West Virginia Department of Environmental Protection
Division of Air Quality

Joe Manchin, III
Governor

Randy C. Huffman
Cabinet Secretary

Permit to Operate

Pursuant to

Title V

of the Clean Air Act

Issued to:

SABIC Innovative Plastics US LLC
Washington, WV
R30-10700010-2010
Part 1 of 5

John A. Benedict
Director

Issued: [Date of issuance] • *Effective: [Equals issue date plus two weeks]*
Expiration: [5 years after issuance date] • *Renewal Application Due: [6 months prior to expiration]*

Permit Number: **R30-10700010-2010, Part 1 of 5**
Permittee: **SABIC Innovative Plastics US LLC**
Facility Name: **Washington, WV**
Permittee Mailing Address: **P.O. Box 68, Washington, WV 26181**

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Facility Location:	9226 DuPont Road, Washington, Wood County, West Virginia
Telephone Number:	(304) 863 - 7231
Type of Business Entity:	Limited Liability Company
Facility Description:	Thermoplastics Manufacturing
SIC Codes:	2821, 2822 and 2899
UTM Coordinates:	441.6 km Easting • 4345.2 km Northing • Zone 17

Permit Writer: Natalya V. Chertkovsky-Veselova

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.

Table of Contents

ATTACHMENTS

ATTACHMENT A* - 40 CFR 63 Subpart JJJ – *National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins* applicable requirements

ATTACHMENT B - Certification of records (Attachment to the Permit R13-2486 and R13-1886E)

ATTACHMENT C - 45CSR21 and 45CSR27 Source List (Attachment A to Permit R13-2678)

ATTACHMENT D - Sample Recordkeeping Form (Attachment A of the Permit R13-2486A)

ATTACHMENT E * - 40 CFR 63 Subpart EEEE – *National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)* applicable requirements

ATTACHMENT F * - 40 CFR 63, Subpart ZZZZ - *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines* applicable requirements

* For informational purposes only

1.0 Emission Units and Active R13, R14, and R19 Permits (for informational purposes only, not enforceable requirements):

1.1. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Tank Farm / Bulk Loading - Emission Unit Group 009					
none	009-0S	Barge Unloading Station	1960's	N/A	none
none	009-0S-LDAR	Equipment located between Barge Unloading Station and Storage Tanks ID 09-2505, 09-25074, 09-25077, 09-25083, 09-25048, 09-25049, 09-25076, 09-25082	1960's	N/A	none
none	009-0Y	Railcar and Truck Unloading Stations (unloading transfer racks #1, #2)	1956	N/A	none
none	009-0Y-LDAR	Equipment located between Railcar and Truck Unloading Stations and Storage Tanks ID 09-25078, 0925-075, 09-25009, 09-2505, 09-25074, 09-25077, 09-25083, 09-25048, 09-25049, 09-25076, 09-25082	1956	N/A	none
none	009-0R	Loading Station	1963	N/A	none
12-08033	009-0T	Fuel Dispensing Station: Above Ground Unleaded gasoline Tank	1991	1,130 gal	none
12-08032	009-0T	Fuel Dispensing Station: Above Ground Road grade diesel fuel Tank	1991	1,130 gal	none
none	009-0U	Latex Loading Station	1992	N/A	none
09-25078	009-0V	Acrylonitrile Storage Tank, north	1967	500,000 gal	Internal floating roof
09-25075	009-0Q	Acrylonitrile Storage Tank, south	1963	500,000 gal	Internal floating roof
09-25048	009-0C	Styrene Storage Tank #4	1962	500,000 gal	none
09-25049	009-0D	Styrene Storage Tank #5	1962	500,000 gal	none
09-25076	009-0E	Styrene Storage Tank #6	1970	500,000 gal	none
09-25082	009-0F	Styrene Storage Tank #7	1970	580,000 gal	none
09-25001	009-04	Alpha-Methyl Styrene Tank	1956	30,000 gal	none
09-25002	009-05	Alpha-Methyl Styrene Tank	1956	30,000 gal	none
09-25003	009-06	Alpha-Methyl Styrene Tank	1956	30,000 gal	none
09-25094	009-07	Alpha-Methyl Styrene Tank	1979	30,000 gal	none
09-25010	009-09	Butyl AcrylateTank, north	1957	30,000 gal	30B-12130
09-25011	009-0A	Butyl AcrylateTank, south	1957	30,000 gal	30B-12130

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
09-25009	009-08	Methyl Methacrylate Tank	1957	30,000 gal	30B-12130
10-08105	009-0G	Divinyl BenzeneTank	1986	3,000 gal	none
09-25100	009-15	Sulfuric Acid Tank, east	1991	20,000 gal	none
09-25099	009-16	Sulfuric Acid Tank, west	1991	20,000 gal	none
09-25103	009-14	Cumene HydroperoxideTank	1997	13,000 gal	none
09-25050	not applicable	1,3-Butadiene Pressure Sphere	1962	200,000 gal	none
09-25074	not applicable	1,3-Butadiene Pressure Sphere	1963	400,000 gal	none
09-25077	not applicable	1,3-Butadiene Pressure Sphere	1966	400,000 gal	none
09-25083	not applicable	1,3-Butadiene Pressure Sphere	1969	400,000 gal	none
Boiler House - Emission Unit Group 007					
03-01003	007-03	Boiler #3	1966	72 MMBtu/hr	none
03-01004	007-04	Boiler #4	1966	132 MMBtu/hr	none
03-01005	007-06	Boiler #5 (natural gas-fired) – with Low NOx Burner Rentech	2004	146 MMBtu/hr	none
04-07001	007-05	Process Cooling Tower #1	1967	2,500 gpm	none
04-07003	007-05	Process Cooling Tower #3	1989	2,500 gpm	none
Wastewater Treatment Plant - Emission Unit Group 008					
07-16104	none	Backup Electric Generator	2002	483 HP	none
WWTP	008-06	Wastewater Treatment Process	1970	2,500 gpm	none
Control Devices					
30B-12130	001-05 (LX 14)	Latex CTO	1957	3.0 MMBtu/hr	n/a

1.2. Active R13, R14, and R19 Permits

The underlying authority for any conditions from R13, R14, and/or R19 permits contained in this operating permit is cited using the original permit number (e.g. R13-1234). The current applicable version of such permit(s) is listed below.

Permit Number	Date of Issuance
R13-0009B	April 5, 2010
R13-2486A	March 15, 2005
R13-1886E	February 19, 2009
R13-2084C	February 18, 2009
R13-2572B	March 31, 2010
R13-2678	October 4, 2006

2.0 General Conditions

2.1. Definitions

2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.

2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.

2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

2.2. Acronyms

CAAA	Clean Air Act Amendments	**NO_x**	Nitrogen Oxides
CBI	Confidential Business Information	**NSPS**	New Source Performance Standards
CEM	Continuous Emission Monitor		
CES	Certified Emission Statement	**PM**	Particulate Matter
C.F.R. *or* CFR	Code of Federal Regulations	**PM_{10}**	Particulate Matter less than 10μm in diameter
CO	Carbon Monoxide		
C.S.R. *or* CSR	Codes of State Rules	**pph**	Pounds per Hour
DAQ	Division of Air Quality	**ppm**	Parts per Million
DEP	Department of Environmental Protection	**PSD**	Prevention of Significant Deterioration
FOIA	Freedom of Information Act	**psi**	Pounds per Square Inch
HAP	Hazardous Air Pollutant	**SIC**	Standard Industrial Classification
HON	Hazardous Organic NESHAP		
HP	Horsepower	**SIP**	State Implementation Plan
lbs/hr *or* lb/hr	Pounds per Hour	**SO_2**	Sulfur Dioxide
LDAR	Leak Detection and Repair	**TAP**	Toxic Air Pollutant
m	Thousand	**TPY**	Tons per Year
MACT	Maximum Achievable Control Technology	**TRS**	Total Reduced Sulfur
		TSP	Total Suspended Particulate
mm	Million	**USEPA**	United States Environmental Protection Agency
mmBtu/hr	Million British Thermal Units per Hour		
$mmft^3$/hr *or* mmcf/hr	Million Cubic Feet Burned per Hour	**UTM**	Universal Transverse Mercator
NA *or* N/A	Not Applicable	**VEE**	Visual Emissions Evaluation
NAAQS	National Ambient Air Quality Standards	**VOC**	Volatile Organic Compounds
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		

2.3. Permit Expiration and Renewal

2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]

2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]

2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.
[45CSR§30-6.3.b.]

2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[45CSR§30-5.1.f.3.]

2.5. Reopening for Cause

2.5.1. This permit shall be reopened and revised under any of the following circumstances:

a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.

b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.

c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.
[45CSR§30-6.4.]

2.7. Minor Permit Modifications

2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.
[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.
[45CSR§30-6.5.b.]

2.9. Emissions Trading

2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.
[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:

a. The change must meet all applicable requirements and may not violate any existing permit term or condition.

b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

c. The change shall not qualify for the permit shield.

d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.

e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

[45CSR§30-5.9.]

2.11. Operational Flexibility

2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.
[45CSR§30-5.8]

2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.
[45CSR§30-5.8.a.]

2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or

b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

[45CSR§30-5.8.c.]

2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.

a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.

b. The permit shield shall extend to all terms and conditions under each such operating scenario; and

c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

2.13. Duty to Comply

2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:

a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

2.16.1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.
[45CSR§30-5.1.f.2.]

2.17. Emergency

2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
[45CSR§30-5.7.a.]

2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.
[45CSR§30-5.7.b.]

2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The permitted facility was at the time being properly operated;

c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
[45CSR§30-5.7.d.]

2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.
[45CSR§30-5.2.a.]

2.18.2. Those provisions specifically designated in the permit as “State-enforceable only” shall become “Federally-enforceable” requirements upon SIP approval by the USEPA.

2.19. Duty to Provide Information

2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.
[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.
[45CSR§30-4.2.]

2.21. Permit Shield

2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically

identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof. **[45CSR§30-5.6.a.]**

2.21.2. Nothing in this permit shall alter or affect the following:

a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or

b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.

c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

2.22. Credible Evidence

2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding. **[45CSR§30-5.3.e.3.B. and 45CSR38]**

2.23. Severability

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect. **[45CSR§30-5.1.e.]**

2.24. Property Rights

2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege. **[45CSR§30-5.1.f.4]**

2.25. Acid Deposition Control

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.

b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.
[45CSR§30-5.1.a.2.]

3.0 Facility-Wide Requirements

3.1. Limitations and Standards

3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1. **[45CSR§6-3.1.]**

3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]

3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40 C.F.R. §61.145(b) and 45CSR34]

3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 and 45CSR13, R13-2084, B.5. State-Enforceable only.]

3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.
[45CSR§11-5.2]

3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.
[W.Va. Code § 22-5-4(a)(14)]

3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:

a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.

b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

[40 C.F.R. 82, Subpart F]

3.1.8. **Risk Management Plan.** This stationary source, as defined in 40 C.F.R. § 68.3, is subject to Part 68. This stationary source shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. Part 68.10. This stationary source shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.
[40 C.F.R. 68]

3.1.9. When emissions on an annual basis of one or more of the greenhouse gases listed below are greater than the *de minimis* amounts listed below, all greenhouse gases emitted above the *de minimis* amounts shall be reported to the Secretary under 45CSR§42-4. (see Section 3.5.):

Greenhouse Gas Compound	tons/year
carbon dioxide	10,000
methane	476
nitrous oxide	32.6
hydrofluorocarbons	0.855
perfluorocarbons	1.09
sulfur hexafluoride	0.42

[45CSR§42-3.1, State-Enforceable only]

3.2. Monitoring Requirements

3.2.1. None.

3.3. Testing Requirements

3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.

b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods,

the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.

c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

[WV Code § 22-5-4(a)(15) and 45CSR13]

3.4. Recordkeeping Requirements

3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:

a. The date, place as defined in this permit and time of sampling or measurements;

b. The date(s) analyses were performed;

c. The company or entity that performed the analyses;

d. The analytical techniques or methods used;

e. The results of the analyses; and

f. The operating conditions existing at the time of sampling or measurement.

[45CSR§30-5.1.c.2.A and 45CSR13, R13-2678, 4.4.1 and 5.4.1; R13-2572, 4.4.1 and R13-0009, 4.4.1]

3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.
[45CSR§30-5.1.c.2.B]

3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§30-5.1.c. State-Enforceable only]

3.5. Reporting Requirements

3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
[45CSR§§30-4.4. *and* 5.1.c.3.D]

3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
[45CSR§30-5.1.c.3.E]

3.5.3. Except for the electronic submittal of the annual certification to the USEPA as required in 3.5.5 below, all notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, mailed first class or by private carrier with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

Phone: 304/926-0475
FAX: 304/926-0478

If to the US EPA:

Associate Director
Office of Enforcement and Permits Review (3AP20)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[45CSR§30-8]

3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The annual certification to the USEPA shall be submitted in electronic format only. It shall be submitted by e-mail to the following address: R3_APD_Permits@epa.gov. The permittee shall maintain a copy of the certification on site, or accessible electronically at the site, for five (5) years from submittal of the certification.
[45CSR§30-5.3.e.]

3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period

July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4. **[45CSR§30-5.1.c.3.A]**

3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.

3.5.8. **Deviations.**

a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:

1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.

2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.

3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.

4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C]

b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.
[45CSR§30-5.1.c.3.B]

3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.
[45CSR§30-4.3.h.1.B.]

3.5.10. **Greenhouse Gas Reporting Requirements**. When applicable, as determined in permit section 3.1., greenhouse gas emissions shall be reported pursuant to 45CSR§42-4. as follows:

a. In accordance with a reporting cycle provided by the Secretary, affected sources shall report to the Secretary the quantity of all greenhouse gases emitted above *de minimis* amounts in the years specified by the Secretary.
[45CSR§42-4.1., State-Enforceable only]

b. Affected sources shall only be required to report annual quantities of anthropogenic non-mobile source greenhouse gases emitted at the stationary source, and shall not be required to report biogenic emissions of greenhouse gases.
[45CSR§42-4.2., State-Enforceable only]

c. Reports of greenhouse gas emissions submitted to the Secretary under 45CSR§42-4. shall be signed by a responsible official and shall include the following certification statement: "I, the undersigned, hereby certify that the data transmitted to the West Virginia Department of Environmental Protection is true, accurate, and complete, based upon information and belief formed after reasonable inquiry.
[45CSR§42-4.5., State-Enforceable only]

3.6. Compliance Plan

3.6.1. None.

3.7. Permit Shield

3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.

3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.

a. 40 CFR 60 Subpart D - - Standards of Performance for Fossil-Fuel-fired Steam Generators constructed after August 17, 1971

Basis for Applicability Determination: Applies to steam generation units with heat input > 250 MMBtu/hr, and were constructed, reconstructed, or modified after 8/17/71. Units at the facility are < 250 MMBtu/hr.

b. 40 CFR 60 Subpart Db - - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units
Basis for Applicability Determination: Applies to steam generating units with heat input > 100 MMBtu/hr which were constructed, reconstructed, or modified after 6/19/84. Neither Boiler #3 nor Boiler #4 was constructed or modified after 6/19/84, therefore they are not subject to the requirements of this Subpart. Boiler#5 is subject to the requirements of this Subpart.

c. 40 CFR 60 Subpart Dc - - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units
Basis for Applicability Determination: Applies to steam generating units with heat input of 10-100 MMBtu/hr which were constructed, reconstructed, or modified after 6/9/89. No such steam generating units at the facility were constructed or modified after 6/9/89.

d. 40 CFR 60 Subpart E - Standards of Performance for Incinerators
Basis for Applicability Determination: Applies only to burning solid waste. The facility has decommissioned its non-hazardous solid waste incinerator.

e. 40 CFR 60 Subpart K - Standards of Performance for Storage Vessels for Petroleum Liquids constructed/modified after June 11, 1973 and prior to May 19, 1978
Basis for Applicability Determination: No such petroleum liquid storage vessel has a capacity-greater than 40,000 gallons.

f. 40 CFR 60 Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids constructed/modified after May 18, 1978 and prior to July 23, 1984
Basis for Applicability Determination: No such petroleum liquid storage vessel has a capacity greater than 40,000 gallons.

g. 40 CFR 60 Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) constructed/modified after July 23, 1984
All the Tanks at the Part 1 Facility are exempt from the requirements of the Subpart Kb based either on time when they were built, size/pressure or tank content.

h. 40 CFR 60 Subpart O - Standards of Performance for Sewage Treatment Plants.
Basis for Applicability Determination: The facility does not operate a municipal treatment plant.

i. 40 CFR 60 Subpart VV - Equipment Leaks of VOC for the Synthetic Organic Chemical Manufacturing Industry (SOCMI)
Basis for Applicability Determination: The facility does not manufacture as an intermediate or final product any of the listed SOCMI chemicals.

j. 40 CFR 60 Subpart DDD - - Standards of Performance for VOC Emissions from the Polymer Manufacturing Industry
Basis for Applicability Determination: The facility does not have SOCMI air oxidation unit processes.

k. 40 CFR 60 Subpart III - - Standards of Performance for VOC Emissions from SOCMI Air Oxidation Unit Processes
Basis for Applicability Determination: The facility does not manufacture as an intermediate or final product any of listed SOCMI chemicals.

l. 40 CFR 60 Subpart KKK - - Standards of Performance for Equipment Leaks of VOC from On-Shore Natural Gas Processing Plants
Basis for Applicability Determination: The structural wells at the site do not meet the applicability criteria because the facility burns raw natural gas directly from its natural gas wells without extracting any natural gas liquids, fractionating any mixed natural gas, or sweetening the natural gas prior to burning.

m. 40 CFR 60 Subpart LLL - Standards of Performance for Onshore Natural Gas Processing; SO2 Emissions
Basis for Applicability Determination: The structural wells at the site do not meet the applicability criteria because the facility burns raw natural gas directly from its natural gas wells without extracting any natural gas liquids, fractionating any mixed natural gas, or sweetening the natural gas prior to burning.

n. 40 CFR 60 Subpart NNN -- Standards of Performance for VOC Emissions from SOCMI Distillation Operations
Basis for Applicability Determination: The facility does not manufacture as an intermediate or final product any of listed SOCMI chemicals.

o. 40 CFR 60 Subpart RRR - - Standards of Performance for VOC Emissions from SOCMI Reactor Process
Basis for Applicability Determination: The facility does not manufacture as an intermediate or final product any of listed SOCMI chemicals.

p. 40 CFR 63 Subpart G - National Emissions Standards for Organic HAPs from the SOCMI Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
Basis for Applicability Determination: Subpart G is not applicable to the facility, except as referenced by 40CFR63 Subpart JJJ, because it does not manufacture as an intermediate or final product any of the listed chemicals that would trigger applicability.

q. 40 CFR Part 63, Subpart I – National Emission Standards for Organic Hazardous Air Pollutants for certain processes subject to the negotiated regulation for Equipment Leaks
Basis for Applicability Determination: Subpart JJJ §63.1311(g)(1).

r. 40 CFR 63 Subpart U - National Emission Standards for HAPs for Group I Polymers and Resins
Basis for Applicability Determination: The latex area is not subject to this requirement, but is rather subject to 40 CFR 63 Subpart JJJ, as stated in Subpart U under 63.480(f)(4).

s. 40 CFR 63 Subpart JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins - Group 1 Wastewater provisions
Basis for Applicability Determination: The facility does not have any Group 1 Wastewater streams, therefore it is not subject to Group 1 Wastewater provisions.

t. 40 C.F.R. Part 63, Subpart FFFF - National Emission Standards for Hazardous Air Pollutant Emissions: Miscellaneous Organic Chemical Manufacturing (MON)
Basis for Applicability Determination: The facility has operations that compound solid resins produced at the site with additives to produce compounded polymer plastic resin pellets. These operations are exempted from the requirements of this Subpart per 63.2435(c) (as fabricating operations).

u. The facility has only one operating scenario, therefore the requirements of Section 2.12 of this permit. "Reasonably Anticipated Operating Scenarios" are not applicable and it is not required to certify compliance with them.

v. The facility is not subject to a Compliance Plan (as per Section 3.6 of this permit); therefore, the requirements of Section 2.15 "Schedule of Compliance" are not applicable and it is not required to certify compliance with them.

w. The facility is not subject to Title IV of the Clean Air Act; therefore, the requirements of Section 2.25 of this permit "Acid Deposition Control" are not applicable, and it is not required to certify compliance with them.

4.0 Tank Farm Requirements [*Emission Unit Group 009*]

4.1. Limitations and Standards

4.1.1. All volatile organic compounds generated and discharged from the storage tanks (Source ID's 09-25009, 09-25010, and 09-25011) shall be vented to, and combusted by, the Catalytic Thermal Oxidizer Control Device ID 30B-12130, Emission Point ID LX14 permitted under R13-2288C, including any subsequent revisions.
[45CSR13, R13-2084, A.2]

4.1.2. The Company shall continue to comply with the emission limits set forth in the Table below. Compliance with the emission limits shall be demonstrated by test or monitoring data, approved emission factors, material balances, and/or representative calculations in accordance with 45CSR21.

Emission Point /Equipment	VOC	
	lb/hr	TPY
009-0S - Barge Unloading	2	0.5
009-0Q or 009-0V - Acrylonitrile Storage Tanks	1.2	0.44
Pressure Vessel (BD Spheres) Maintenance (09-25050, 09-25074, 09-25077, 09-25083)	2	0.3
009-0U - Latex Loading Station - Rail and Truck	37	2.8

[45CSR21; 45CSR13, R13-1886, 4.1.7 and R13-2678, 4.1.1]

4.1.3. The Company shall comply with the emission limits set forth in the Table below. Compliance with the emission limits shall be demonstrated by test or monitoring data, approved emission factors, material balances, and/or representative calculations in accordance with 45CSR27.

Emission Point / Equipment	Acrylonitrile, TPY	1,3 Butadiene	
		lb/hr	TPY
009-0S - Barge Unloading	No limit	No limit	0.11
009-0Y - Railcar and Truck Unloading	0.1	No limit	0.03
009-0U - Latex Loading Station - Rail and Truck	No limit	11	1
009-OQ or 009-OV – Acrylonitrile Storage Tanks	0.44	No limit	No limit

[45CSR13, R13-1886, 4.1.7 and R13-2678, 5.1.1]

4.1.4. The permitted sources identified below and recognized as being subject to 45CSR27 shall comply with all applicable requirements of 45CSR27 – "To Prevent and Control the Emissions of Toxic Air Pollutants" provided, however, that compliance with any more stringent requirements under the affected 45CSR13 permit identified in Attachment C of this permit, are also demonstrated. The applicable requirements set forth by 45CSR27 shall include, but not be limited to, the following:

a. The permittee shall employ the best available technology (BAT) for the purpose of reducing toxic air pollutants (TAP) associated with the applicable sources and emission points identified in Attachment C of this permit.

b. The permittee shall employ BAT for the purpose of preventing and controlling fugitive emissions of TAP to the atmosphere as a result of routine leakage from those sources and their associated equipment identified in Attachment C of this permit as operating in TAP service.

Emission Point / Equipment	BAT Item
009-0S - Barge Unloading	Maintaining unloading valves and procedures
009-0Y - Railcar and Truck Unloading	Maintaining unloading valves, Railcar drip-less connectors, and procedures
009-0V and 009-0Q - Acrylonitrile Storage Tanks	Floating Roof
Pressure Vessels (BD Spheres) (09-25050, 09-25074, 09-25077 & 09-25083)	Empty via vacuum

[45CSR13, R13-2678, 5.1.2. State-Only Enforceable]

4.1.5. The permitted facility shall comply with all applicable requirements of 40CFR63, Subpart JJJ - *National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins* (Attachment A of this Permit) for the Tank Farm emission points (listed in the Table below), with the exception of any more stringent limitations set forth in this permit.

Equipment ID	Emission Point ID	Equipment Description	Applicable Requirements
--	009-0S-LDAR	Equipment located between the Barge Unloading Station and BD Spheres storage tanks ID 09-25050, 09-25074, 09-25077, 09-25083, and Styrene storage tanks ID 09-25048, 09-25049, 09-25076, 09-25082	63.1313 - Emission Standards 63.1331 - Equipment leak provisions

Equipment ID	Emission Point ID	Equipment Description	Applicable Requirements
--	009-0Y-LDAR	Equipment located between the Railcar and Truck Unloading Stations and Acrylonitrile storage tanks ID 09-25078 and 09-25075, Methyl Methacrylate storage tank ID 09-25009, BD Spheres storage tanks ID 09-25050, 09-25074, 09-25077, 09-25083, and Styrene storage tanks ID 09-25048, 09-25049, 09-25076, 09-25082	
Storage Tanks - Group 1			
09-25078	009-0V	Storage Tank, north	63.1313 - Emission Standards 63.1314 - Storage vessel provisions
09-25075	009-0Q	Storage Tank, south	
Storage Tanks - Group 2			
09-25009	009-08	Tank	63.1313 - Emission Standards 63.1314 - Storage vessel provisions

[45CSR13, R13-1886, 4.1.11; 45CSR34 and 40CFR63, Subpart JJJ]

4.1.6. The permitted facility shall comply with all applicable requirements of 40CFR63, Subpart JJJ - *National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins* (Attachment A of this Permit) for the Tank Farm maintenance wastewater: 63.1330(c) - Wastewater provisions, - with the exception of any more stringent limitations set forth in this permit.
[45CSR13, R13-1886, 4.1.11; 45CSR34 and 40CFR63, Subpart JJJ, 63.1330(a)]

4.1.7. The permittee shall implement and maintain leak detection and repair (LDAR) programs for the reduction of fugitive VOC emissions in all manufacturing process units subject to 45CSR§21-40 producing a product or products intermediate or final, in excess of 1,000 megagrams (1,100 tons) per year in accordance with the applicable methods and criteria of Subpart JJJ as the approved alternative LDAR procedure. This requirement shall apply to all units subject to 45CSR21 and identified in Attachment C of this permit irrespective of whether or not such units produce as intermediates or final products, substances on the lists contained in 40CFR60, 40CFR61, or 40CFR63.
For sources subject to Part 63 Subpart JJJ listed in requirement 4.1.5, compliance with this requirement will be demonstrated if compliance with 40 CFR 63, Subpart JJJ §63.1331 Equipment leak provisions (Requirement 4.1.5) is demonstrated.
[**45CSR13, R13-2678, 4.2.1]**

4.1.8. The permittee shall implement and maintain a LDAR program for the applicable sources and emission points identified in Attachment C of this permit in order to reduce the emissions of TAP in accordance with the requirements of 40CFR63, Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks. Compliance with 40CFR63, Subpart H shall be considered demonstration of compliance with the provisions of 45CSR§27-4 - Fugitive Emissions of Toxic Air Pollutants.
[**45CSR§27-4 and 45CSR13, R13-2678, 5.2.1. State-Only Enforceable]**

4.1.9. The permittee shall to the extent practicable, install, maintain, and operate all pollution control equipment listed in Attachment C and associated monitoring equipment in a manner consistent with the safety and good air pollution control practices for minimizing emissions or comply with more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Director.
[45CSR13, R13-2678, 4.1.3 and 5.1.4]

4.1.10. For all periods in which control equipment or measures listed in Requirement 4.1.4. are inoperable or malfunctioning, the Company shall not operate the related production equipment unless the Company is granted a variance pursuant to 45CSR§27-12.1.
[45CSR§27-12.1]

4.1.11. The Leak Detection and Repair (LDAR) program to control volatile organic compounds for tanks shall, at a minimum, comply with the provisions of 45CSR21 Section 37 as they may be amended. The permittee may also comply via a more stringent LDAR program (i.e. 40CFR63 Subpart H as may be amended).

Compliance with this requirement will be demonstrated if compliance with the Part 63 Subpart JJJ 63.1331 - Equipment leak provisions (Requirement 4.1.5) is demonstrated.

[45CSR§21-37; State Enforceable Only]

4.1.12. Variance. -- If the provisions of 45CSR21 cannot be satisfied due to repairs made as the result of routine maintenance or in response to the unavoidable malfunction of equipment, the Director may permit the owner or operator of a source subject to 45CSR21 to continue to operate said source for periods not to exceed 10 days upon specific application to the Director. Such application shall be made prior to the making of repairs and, in the case of equipment malfunction, within 24 hours of the equipment malfunction. Where repairs will take in excess of 10 days to complete, additional time periods may be granted by the Director. In cases of major equipment failure, additional time periods may be granted by the Director provided a corrective program has been submitted by the owner or operator and approved by the Director. During such time periods**,** the owner or operator shall take all reasonable and practicable steps to minimize VOC emissions.
[45CSR§21-9.3]

4.1.13. 45CSR§7-4 is applicable to Sulfuric Acid Storage Tanks (Emission Points ID 009-15 and 009-16):

§45-7-4.2.

Mineral acids shall not be released from any type source operation or duplicate source operation or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity given in 45CSR7, Table 45-7B (in-stack concentration of 35 mg /dry m^3 at standard conditions).
[45CSR§7-4.2]

4.1.14. The following sections of 40 CFR 63, Subpart EEEE *National Emission Standards for Hazardous Air Pollutant Emissions: Organic Liquids Distribution (Non-Gasoline)* (Attachment E of this Permit) are applicable to the Loading Station (Emission Point ID 009-0R), Railcar and Truck Unloading Stations (Emission Point ID 009-0Y), and equipment located between any of these Stations and the equipment listed in Requirement 4.1.5.:

63.2330 What is the purpose of this Subpart?
63.2334(a) Am I subject to this Subpart?
63.2338 What parts of my plant does this subpart cover?

63.2342(b)(1) and (d) When do I have to comply with this subpart?
63.2346(d), (h) and (i) What emission limitations, operating limits, and work practice standards must I meet?

63.2350 What are my general requirements for complying with this subpart?

63.2378(a) and (b) How do I demonstrate continuous compliance with the emission limitations, operating limits,

and work practice standards?

63.2382(a) What notifications must I submit and when and what information should be submitted?

63.2398 What parts of the General Provisions apply to me?
63.2406 What definitions apply to this subpart?

[45CSR34 and 40CFR63, Subpart EEEE]

4.1.15. The permitted sources identified in Attachment C of this permit and recognized as being subject to 45CSR21 shall comply with all applicable requirements of 45CSR21 – "Regulation to Prevent and Control Air Pollution from the Emission of Volatile Organic Compounds" provided, however, that compliance with any more stringent requirements under the affected 45CSR13 permit identified in Attachment C of this permit, are also demonstrated. The applicable requirements set forth by 45CSR21 shall include, but not be limited to, the following:

a. The permittee shall maintain the aggregated hourly and annual VOC control efficiency of 90% or greater, on a site-wide basis, for all existing sources listed or required to be listed as part of the original facility-wide Reasonably Available Control Measures (RACM) plan, as identified in Attachment C of this permit.

b. On or after May 01, 1996, construction or modification of any emission source resulting in a maximum theoretical emissions (MTE) of VOCs equaling or exceeding six (6) pounds per hour and not listed or required to be listed in the facility-wide RACM plan shall require the prior approval by the Director of an emission control plan that meets the definition of reasonable available control technology (RACT) on a case-by-case basis for both fugitive and non-fugitive VOC emissions from such source. All sources constructed or modified on or after May 01, 1996 shall be subject to the following:

(1) The RACT control plan(s) shall be embodied in a permit in accordance to 45CSR13.

(2) The MTE and associated emission reductions of the constructed or modified source will not be calculated into the site-wide aggregate hourly and annual emissions reduction requirements set forth in Section 4.1.15.a of this permit.

c. If a modification to an existing source with current MTE below the threshold of six (6) pounds per hour of VOCs causes an increase in the MTE that results in the source exceeding the six (6) pounds per hour threshold for the first time, the source shall be subject to RACT in accordance to Section 4.1.15.b of this permit.

d. Physical changes to or changes in the method of operation of an existing emission source listed or required to be listed as part of the facility-wide RACM plan, that results in an increase in VOC emissions of any amount, shall require the prior approval by the Director of an emission control plan that meets the definition of RACT on a case-by-case basis for both fugitive and non-fugitive VOC emissions from the source. All sources modified on or after May 01, 1996 shall be subject to the following:

(1) The RACT control plan(s) shall be embodied in a permit in accordance to 45CSR13.

(2) The facility-wide RACM plan shall be modified to include the RACT analysis conducted on the modified source(s).

(3) The MTE and associated emission reductions of the modified source shall be recalculated as part of the site-wide aggregate hourly and annual emissions reduction requirements to demonstrate compliance with the minimum 90% reduction rate as set forth in Section 4.1.15.a of this permit.

e. In the event the facility-wide RACM plan is modified to delete an existing emission source, and any associated pollution control equipment, due to the source being permanently removed from service, or reassigned to service not subject to the requirements of 45CSR21-40, the MTE shall be recalculated to demonstrate that the 90% facility-wide VOC reduction requirement set forth in Section 4.1.15.a of this permit is still being met. In the event such a modification results in the site-wide aggregate hourly and annual emissions reduction being recalculated to a rate less than 90%, the RACM plan shall be revised to include all new and/or modified sources and their associated control technologies constructed on or after May 01, 1996, in order to meet the requirements set forth in Section 4.1.15.a of this permit.

f. In the event a source and associated emission point identified in Attachment C of this permit is subject to the New Source Performance Standards (NSPS) of 40CFR60, the National Emission Standards for Hazardous Air Pollutants (NESHAP) of 40CFR61, or the Maximum Achievable Control Technology (MACT) standards of 40CFR63, then compliance with such requirements as defined in the affected 45CSR13 permit shall demonstrate compliance with the RACT requirements set forth in this permit.

[45CSR21; 45CSR13, R13-2678, 4.1.2 (a), (b), (c), (d), (e) and (f)]

4.1.16. In the event a source and associated emission point identified in Attachment C of this permit are subject to the MACT standards of 40CFR63, then compliance with the applicable MACT requirements identified in the affected 45CSR13 permit shall demonstrate compliance with the BAT requirements set forth in Section 4.1.4 of this permit.
[45CSR13, R13-2678, 5.1.3]

4.1.17. Unless granted a variance pursuant to 45CSR21, Section 9.3, or as approved by the Director as part of a required Start-up, Shutdown, and Malfunction (SSM) Plan mandated under 40CFR63.6(e) or another applicable Section of 40CFR63, the owner or operator of the facility shall operate all emission control equipment listed in Attachment C of this permit as part of the facility-wide control efficiency plan at all times the facilities are in operation or VOC emissions are occurring from these sources or activities. In the event of a malfunction, and a variance has not been granted, the production unit shall be shutdown or the activity discontinued as expeditiously as possible. The permittee shall comply with 45CSR21, Section 9.3 with respect to all periods of non-compliance with the emission limitations set forth in the affected 45CSR13 permits and the emissions reduction requests set forth in the facility-wide control efficiency plan resulting from unavoidable malfunctions of equipment.
[45CSR13, R13-2678, 4.4.4]

4.2. Monitoring Requirements

4.2.1. For the purpose of determining compliance with Section 4.1.5 of this permit, the permittee shall conduct monitoring in accordance with the requirements set forth in 40CFR63, Subpart JJJ, including the equipment leak provisions under 40CFR63.1331 for all equipment in organic HAP service in the TPPU (Tank Farm Area only).
[45CSR13, R13-1886, 4.2.1 and 45CSR§30-5.1.c]

4.2.2. For the purpose of determining compliance with Section 4.1.11 of this permit (which applies to all equipment in VOC service in the Tank Farm that is not subject to Section 4.1.5 of this permit), the permittee shall conduct monitoring in accordance with the requirements set forth in 45CSR§21-37. In lieu of these requirements, the permittee may instead comply with a more stringent LDAR program, such as 40CFR63, Subpart H, as may be amended.
[45CSR§30-5.1.c]

4.2.3. In the event a source and associated emission point identified in Attachment C of this permit are subject to the MACT standards of 40CFR63, then compliance with any applicable LDAR program set forth by the

MACT and identified in the affected 45CSR13 permit shall demonstrate compliance with the monitoring requirements set forth in this permit.
[45CSR13, R13-2678, 5.2.2]

4.3. Testing Requirements

4.3.1. As set forth under 40 CFR Part 60, Appendix A, the following test methods shall be employed for any performance stack testing required by the Director:

Acrylonitrile	Method 18
Methyl Methacrylate	Method 18
Styrene	Method 18
Total VOC	Method 25 or 25A
NO_x	Method 7, 7B, or 7E
Particulate	Method 5 ~~9~~

[45CSR13, R13-1886, 4.3.1. and R13-2678, 4.3.1]

4.3.2. The pertinent sections of 40 CFR 63, Subpart JJJ *National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins* (Attachment A of this Permit) applicable to the Group 1 Storage Tanks, listed in the Requirement 4.1.5, are:
63.1333 - Additional requirements for performance testing
[45CSR34 and 40CFR63, Subpart JJJ]

4.3.3. In the event a source and associated emission point identified in Attachment C of this permit are subject to the MACT standards of 40CFR63, then compliance with the applicable LDAR testing requirements set forth by the MACT and identified in the affected 45CSR13 permit shall demonstrate compliance with the LDAR testing requirements set forth in this permit.
[45CSR13, R13-2678, 5.3.1]

4.4. Recordkeeping Requirements

4.4.1. In order to demonstrate compliance with the emission limits set forth in Requirements 4.1.2 and 4.1.3 the permittee shall perform emission calculations within 30 days of the end of each calendar quarter. Compliance with the hourly emission limits shall be determined based on a monthly average emission rate. Compliance with the annual emission limits shall be determined using a rolling yearly total. Such records shall be retained on site, be accessible electronically at the site.

[45CSR§30-5.1.c. State-Enforceable only]

4.4.2. For the purpose of demonstrating compliance with Section 4.1.5 and 4.1.6 of this permit, the permittee shall maintain records in accordance to the requirements set forth in 40CFR63, Subpart JJJ *National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins* applicable to the facility: 63.1335(a), 63.1335(b), 63.1335(d),

63.1335(f), 63.1335(g), 63.1335(h) - General recordkeeping and reporting requirements (Attachment A).

[45CSR13, R13-1886, 4.4.9; 45CSR34 and 40CFR63 Subpart JJJ]

4.4.3. To demonstrate compliance with Requirement 4.1.13 the permittee shall keep engineering calculation of the sulfuric acid concentration at maximum tank capacity on site.
[45CSR§30-5.1.c]

4.4.4. The following recordkeeping sections of 40 CFR 63, Subpart EEEE *National Emission Standards for Hazardous Air Pollutant Emissions: Organic Liquids Distribution (Non-Gasoline)* (Attachment E of this Permit) are applicable to the Loading Station (Emission Point ID 009-0R):

63.2390(a), (c) What records must I keep?

63.2394 In what form and how long must I keep my records?

[45CSR34 and 40CFR63, Subpart EEEE]

4.4.5. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Attachment C, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
[45CSR13, R13-2678, 4.4.2 and 5.4.2]

4.4.6. **Record of Air Pollution Control Equipment.** For all air pollution control equipment listed in Attachment C, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

[45CSR13, R13-2678, 4.4.3 and 5.4.3]

4.4.7. For the purpose of determining compliance with Section 4.1.11 of this permit (which applies to all equipment in VOC service in the Tank Farm that is not subject to Section 4.1.5 of this permit), the permittee shall maintain records in accordance with the requirements set forth in 45CSR§21-37. In lieu of these requirements, the permittee may instead comply with a more stringent LDAR program, such as 40CFR63, Subpart H, as may be amended.
[45CSR§30-5.1.c]

4.4.8. The permittee shall maintain records of the results of all monitoring and inspections, emission control measures applied and the nature, timing, and results of repair efforts conducted in accordance to 45CSR27-10, and set forth in the affected 45CSR13 permits as identified in Attachment C of this permit.
[45CSR13, R13-2678, 5.4.4]

4.5. Reporting Requirements

4.5.1. With the respect to LDAR requirements applicable to a process unit as a result of 45CSR§21-40.3.a.2, starting in 1998 the LDAR Program Reports submitted for semi-annual periods are due within 60 days after the period has ended. Compliance with this Requirement may be demonstrated by complying with the Requirement 4.5.2.
[45CSR§21-40.3.a.2. State-Enforceable only]

4.5.2. For the purpose of demonstrating compliance with Section 4.1.5 and 4.1.6 of this permit, the permittee shall assemble and submit all reports in accordance to the requirements set forth in 40CFR63, Subpart JJJ *National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins* applicable to the facility - 63.1335(e), 63.1335(f), 63.1335(g) - General recordkeeping and reporting requirements (Attachment A), and Section 3.5.1-3.5.3 of this permit.
[45CSR13, R13-1886, 4.5.1; 45CSR34 and 40CFR63, Subpart JJJ]

4.5.3. Reports of excess emissions. -- Except as provided in 45CSR§21-9.3, the owner or operator of any facility containing sources subject to 45CSR§21-5 shall, for each occurrence of excess emissions expected to last more than 7 days, within 1 business day of becoming aware of such occurrence, supply the Director by letter with the following information:

a. The name and location of the facility;
b. The subject sources that caused the excess emissions;
c. The time and date of first observation of the excess emissions; and
d. The cause and expected duration of the excess emissions.
e. For sources subject to numerical emission limitations, the estimated rate of emissions (expressed in the units of the applicable emission limitation) and the operating data and calculations used in determining the magnitude of the excess emissions; and
f. The proposed corrective actions and schedule to correct the conditions causing the excess emissions.

[45CSR§21-5.2]

4.5.4. The pertinent sections of 45CSR4 applicable to this facility (Methyl Methacrylate tank 09-25009, Butyl Acrylate tanks ID 09-25010 and 09-25011) include:
§45-4-4.1
Accidental and other infrequent discharges which cause or contribute to objectionable odors will be considered on an individual basis and shall be reported by the person responsible therefore to the Director in the manner to be prescribed by the Director.
[45CSR13, R13-2084, B.5. State-enforceable only]

4.5.5. The following reporting sections of 40 CFR 63, Subpart EEEE *National Emission Standards for Hazardous Air Pollutant Emissions: Organic Liquids Distribution (Non-Gasoline)* (Attachment E of this Permit) are applicable to the Loading Station (Emission Point ID 009-0R):
63.2386 What reports must I submit and when and what information is to be submitted in each?
[45CSR34 and 40CFR63, Subpart EEEE]

4.5.6. For the purpose of determining compliance with Section 4.1.11 of this permit (which applies to all equipment in VOC service in the Tank Farm that is not subject to Section 4.1.5 of this permit), the permittee shall assemble and submit all reports in accordance with the requirements set forth in 45CSR§21-37 and Section 3.5.1-3.5.3 of this permit. In lieu of these requirements, the permittee may instead comply with a more stringent LDAR program, such as 40CFR63, Subpart H, as may be amended.
[45CSR§30-5.1.c]

4.5.7. The permittee shall submit to the DAQ a plan for complete, facility-wide implementation of RACT requirements within one hundred eighty (180) days of notification by the Director that a violation of the National Ambient Air Quality Standards (NAAQS) for ozone (that were in effect on or before May 01, 1996) has occurred. Such plan shall included those sources listed in Attachment A of this permit as part of the site-wide control efficiency requirement and may contain an update of existing RACT analyses. Full implementation of such plan shall be completed within two (2) years of approval of the RACT plan by the Director.
[45CSR13, R13-2678, 4.5.1]

4.5.8. For the purpose of demonstrating compliance with the requirements set forth in 45CSR27-10.4, the permittee shall file a written report with the Director documenting the emissions to the air of any toxic air pollutant resulting from an abnormal release or spill in excess of the following thresholds:

a. Ethylene oxide - one (1) pound

b. Vinyl chloride - one (1) pound

c. Acrylonitrile - ten (10) pounds

d. Butadiene - ten (10) pounds

e. All other toxic air pollutants - fifty (50) pounds

[45CSR§27-10 and 45CSR13, R13-2678, 5.5.1, *State-Only Enforceable*]

4.6. Compliance Plan

4.6.1. None.

5.0 Boiler House Requirements [*Emission Unit Group 007*]

5.1. Limitations and Standards

5.1.1. Emissions from the natural gas fired 146 mmBtu/hr Rentech Boiler #5 (Emission Point ID 007-06) shall not exceed the following:

Pollutant	lb/hr	tpy
NO_x	5.3	23.0
CO	16.1	70.3
PM_{10}	1.1	5.0
VOC	0.8	3.6
SO_2	0.1	0.4

Compliance with the PM_{10} and SO_2 hourly emission limits listed in the Table above will demonstrate compliance with the less stringent 45CSR2 and 45CSR10 emission limits.
[45CSR13, R13-2572, 4.1.1; 45CSR§2-4.1.b, 45CSR§10-3.1.e]

5.1.2. Maximum natural gas consumption by the Boiler #5 (Emission Point ID 007-06) shall not exceed 139,000 scf per hour nor 1,218 mmscf per year.
[45CSR13, R13-2572, 4.1.2]

5.1.3. Except during startup, shutdown and malfunctions, opacity from Boilers #3, #4 and #5 shall not exceed 10 percent based on a six minute block average.
[45CSR13, R13-2572, 4.1.3, 4.1.5 and R13-0009, 4.1.5; 45CSR§2-3.1]

5.1.4. Emissions from the 72 mmBtu/hr Boiler #3 (Emission Point ID 007-03), while burning an alternative fuel (No. 2 fuel oil), shall not exceed the following:

Pollutant	lb/hr	tpy
NO_x	10.7	46.7
CO	2.7	11.7
PM10	1.1	4.7
SO2	37.9	165.8
VOC	0.2	0.5

Compliance with the PM10 and SO_2 hourly emission limits listed in the Table above will demonstrate compliance with the less stringent 45CSR2 and 45CSR10 emission limits.
[45CSR13, R13-0009, 4.1.1; 45CSR§2-4.1.b, 45CSR§10- 3.1.e]

5.1.5. Emissions from the 132 mmBtu/hr Boiler #4 (Emission Point ID 007-04), while burning an alternative fuel (No. 2 fuel oil), shall not exceed the following:

Pollutant	lb/hr	tpy
NOx	23.5	102.9

CO	4.9	21.5
PM10	2.0	8.6
SO2	69.5	304.2
VOC	0.2	0.9

Compliance with the PM10 and SO_2 hourly emission limits listed in the Table above will demonstrate compliance with the less stringent 45CSR2 and 45CSR10 emission limits.
[45CSR13, R13-0009, 4.1.2; 45CSR§2-4.1.b, 45CSR§10- 3.1.e]

5.1.6. Maximum No. 2 fuel oil consumption by the Boiler #3 (Emission Point ID 007-03) shall not exceed 533 gal/hr and 4,669,080 gal per year. Compliance with the alternative fuel usage limit shall be determined using a rolling yearly total.
[45CSR13, R13-0009, 4.1.3]

5.1.7. Maximum No. 2 fuel oil consumption by the Boiler #4 (Emission Point ID 007-04) shall not exceed 978 gal/hr and 8,567,280 gal per year. Compliance with the alternative fuel usage limit shall be determined using a rolling yearly total.
[45CSR13, R13-0009, 4.1.4]

5.1.8. The pertinent sections of 45CSR2 applicable to this facility include:

§45-2-4.1 Weight Emission Standards
No person shall cause, suffer, allow, or permit the discharge of particulate matter into the open air from all fuel burning units located at one plant, measured in terms of pounds per hour in excess of the amount determined as follows:

§45-2-4.1(b)
For Type 'b' fuel burning units, the product of 0.09 and the total design heat inputs for such units in million B.T.U.'s per hour, provided however that no more than six hundred (600) pounds per hour of particulate matter shall be discharged into the open air from all such units; and

§45-2-8.1. Testing

§45-2-8.1.b.
At such reasonable times as the Director may designate, the owner or operator of any fuel burning unit(s) may be required to conduct or have conducted tests to determine the compliance of such unit(s) with the emission limitations of §45-2-4. Such tests shall be conducted in accordance with the appropriate method set forth in the Appendix to this rule or other equivalent EPA approved method approved by the Director. The Director, or his duly authorized representative, may at his option witness or conduct such tests. Should the Director exercise his option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports located in such manner as the Director may require, power for test equipment, and the required safety equipment such as scaffolding, railings and ladders to comply with generally accepted good safety practices.

§45-2-8.1.c .
The Director, or his duly authorized representative, may conduct such other tests as he may deem necessary to evaluate air pollution emissions other than those noted in §45-2-4.1.

§45-2-8.3. Recordkeeping and Reporting

§45-2-8.3.c
The owner or operator shall maintain records of the operating schedule and the quantity and quality of fuel consumed in each fuel burning unit in a manner to be established by the Director. Such records are to be maintained on-site and made available to the Director or his duly authorized representative upon request.

§45-2-9.1 Start-ups, Shutdowns and Malfunctions (visible emissions)
The visible emission standards set forth in §45-2-3 shall apply at all times except in periods of start-ups, shutdowns and malfunctions. Where the Director believes that start-ups and shutdowns are excessive in duration and/or frequency, the Director may require an owner or operator to provide a written report demonstrating that such frequent start-ups and shutdowns are necessary.

§45-2-9.3 Start-ups, Shutdowns and Malfunctions (reporting)
The owner or operator of a fuel burning unit(s) subject to 45CSR2 shall report to the Director any malfunction of such unit or its air pollution control equipment which results in any excess particulate matter emission rate or excess opacity (i.e., emissions exceeding the standards in section 45CSR§2-3 and 45CSR§2-4) as provided in one of the following subdivisions:

§45-2-9.3.a.
Excess opacity periods meeting the following conditions may be reported on a quarterly basis unless otherwise required by the Director:

§45-2- 9.3.a.1.
The excess opacity period does not exceed thirty (30) minutes within any 24-hour period; and

§45-2-9.3.a.2.
Excess opacity does not exceed 40%.

§45-2- 9.3.b.
The owner or operator shall report to the Director any malfunction resulting in excess particulate matter or excess opacity, not meeting the criteria set forth in subdivision 9.3.a, by telephone, telefax, or e-mail by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Director within thirty (30) days providing the following information:

§45-2- 9.3.b.1.
A detailed explanation of the factors involved or causes of the malfunction;

§45-2-9.3.b.2.
The date and time of duration (with starting and ending times) of the period of excess emissions;

§45-2-9.3.b.3
An estimate of the mass of excess emissions discharged during the malfunction period;

§45-2-9.3.b.4
The maximum opacity measured or observed during the malfunction;

§45-2-9.3.b.5.
Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and

§45-2-9.3.b.6.
A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

Records shall be deemed to be "maintained on site" if they are kept in an electronic format off-site, but are accessible from the site.

[45CSR13, R13-2572, 4.1.5 and R13-0009, 4.1.5 and 45CSR2]

5.1.9. The pertinent sections of 45CSR10 applicable to this facility are:

§45-10-3.1. Sulfur Dioxide Weight Emission Standards for Fuel Burning Units
No person shall cause, suffer, allow, or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of the amount determined as follows:

§45-10-3.1.e.
For Type 'b' and Type 'c' fuel burning units, the product of 3.1 and the total design heat inputs for such units discharging through those stacks in million BTU's per hour.

[45CSR13, R13-2572, 4.1.6; R13-0009, 4.1.6 and 45CSR10]

5.1.10. The pertinent sections of 40 CFR 60, Subpart Db, applicable to this facility (Boiler #5, Emission Point ID 007-06) are:

§60.40b(a)
The affected facility to which Subpart Db applies is each steam generating unit that commences construction, modification, or reconstruction after June 19, 1984, and that has a heat input capacity from fuels combusted in the steam generating unit of greater than 29 MW (100 million Btu/hour).

§60.44b(a)
Except as provided under §60.44b(k), on and after the date on which the initial performance test is completed or is required to be completed under §60.8 of 40 CFR 60, whichever date comes first, no owner or operator of an affected facility that is subject to the provisions of §60.44b and that combusts only coal, oil, or natural gas shall cause to be discharged into the atmosphere from that affected facility any gases that contain nitrogen oxides (expressed as NO_2) in excess of the following emission limits:

(1) Natural gas and distillate oil:

(ii) High heat release rate, 0.2 lbs NO_x per million Btu heat input

§60.44b(h)
For purposes of paragraph §60.44b(i) (Requirement 5.4.1), the nitrogen oxide standards under §60.44b apply at all times including periods of startup, shutdown, or malfunction.

[45CSR13, R13-2572, 4.1.8; 45CSR16 and 40CFR60, Subpart Db]

5.1.11. If US EPA has not already promulgated a standard pursuant to 40 C.F.R. 63 for Industrial, Commercial, Institutional Boilers and Process Heaters, the facility shall submit a Part 1 112(j) "equivalent emission limitation by permit" application for case-by-case MACT determination, containing the information required in 40 C.F.R. §63.53(a), within thirty (30) days of the date for a final rule specified in the final order of the United States District Court for the District of Columbia, which is currently December 16, 2010. The Part 1 112(j) application shall identify each affected unit, and address HAP emissions from each of the boilers and process heaters. If the facility determines there are no affected units (boilers or process heaters), a statement of non-applicability must be submitted in lieu of a Part 1 application. A Part 2 112(j) "equivalent emission limitation by permit" application for case-by-case MACT determination containing information required in 40 C.F.R. §63.53(b) is due within 60 days of the Part 1 112(j) application submittal. All 112(j) "equivalent emission limitation by permit" applications must be submitted to both WVDEP-Division of Air Quality, and Chief of Permits and Technical Branch, US EPA Region III, Mail Code 3AP11, 1650 Arch Street, Philadelphia, PA, 19103-2029.
[45CSR34; 40CFR §63.52]

5.1.12. PM emissions from Boilers #3 and #4 (Emission Point ID 007-03 and 007-04), while burning natural gas, shall not exceed the following:

Emission Point	PM, lb/hr
007-03	6.48
007-04	11.88

[45CSR§2-4.1.b]

5.1.13. SO_2 emissions from Boilers #3 and #4 (Emission Point ID 007-03 and 007-04), while burning natural gas, shall not exceed the following:

Emission Point	SO_2, lb/hr
007-03	223.2
007-04	409.2

[45CSR§10-3.1.e]

5.1.14. **Operation and Maintenance of Boiler #5.** The permittee shall, to the extent practicable, install, maintain, and operate Boiler #5 in a manner consistent with safety and good air pollution control practices for minimizing emissions.
[45CSR§30-5.1.c.]

5.2. Monitoring Requirements

5.2.1. The permittee shall install, calibrate, maintain, and operate, in accordance with 40 CFR 60.13, a continuous monitoring system for measuring nitrogen oxides emissions discharged to the atmosphere from the Boiler #5 (Emission Point ID 007-06) and record the output of the system. Records shall be maintained by the permittee for a period of 5 years following the date of such record.
[45CSR13, R13-2572, 4.1.4]

5.2.2. For the purpose of this Requirement "chapter" means "Title 40: Protection of Environment".

The pertinent sections of 40 CFR 60, Subpart Db, applicable to this facility (Boiler #5, Emission Point ID 007-06) are:

§60.48b(b)

Except as provided under paragraphs (g), (h), and (i) of §60.48b, the owner or operator of an affected facility subject to the nitrogen oxides standards under §60.44b shall comply with either paragraphs (b)(1) or (b)(2) of §60.48b.

§60.48b(b)(1)

Install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system, for measuring nitrogen oxides emissions discharged to the atmosphere; or

§60.48b(b)(2)

If the owner or operator has installed a nitrogen oxides emission rate continuous emission monitoring system (CEMS) to meet the requirements of part 75 of this *chapter* and is continuing to meet the ongoing requirements of part 75 of this *chapter*, that CEMS may be used to meet the requirements of §60.48b, except that the owner or operator shall also meet the requirements of §60.49b. Data reported to meet the requirements of §60.49b shall not include data substituted using the missing data procedures in subpart D of part 75 of this *chapter*, nor shall the data have been bias adjusted according to the procedures of part 75 of this *chapter*.

§60.48b(c)

The continuous monitoring systems required under paragraph (b) of §60.48b shall be operated and data recorded during all periods of operation of the affected facility except for continuous monitoring system breakdowns and repairs. Data is recorded during calibration checks, and zero and span adjustments.

§60.48b(e)

The procedures under §60.13 shall be followed for installation, evaluation, and operation of the continuous monitoring systems.

§60.48b(e)(2)

For affected facilities combusting coal, oil, or natural gas, the span value for nitrogen oxides is determined as follows:

Fuel	Span Values
Natural gas	500 ppm

§60.48b(e)(3)

All span values computed under paragraph (e)(2) of §60.48b for combusting mixtures of regulated fuels are rounded to the nearest 500 ppm.

§60.48b(f)

When nitrogen oxides emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks and zero and span adjustments, emission data will be obtained by using standby monitoring systems, Method 7, Method 7a, or other approved reference methods to provide emission data for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days.

§60.48b(g)

The owner or operator of an affected facility that has a heat input capacity of 73 MW (250 million Btu/hour) or less, and which has an annual capacity factor for residual oil having a nitrogen content of 0.30 weight percent or less, natural gas, distillate oil, or any mixture of these fuels, greater than 10 percent (0.10) shall:

§60.48b(g)(1)

Comply with the provisions of paragraphs (b), (c), (d), (e)(2), (e)(3), and (f) of §60.48b, or

§60.48b(g)(2)

Monitor steam generating unit operating conditions and predict nitrogen oxides emission rates as specified in a plan submitted pursuant to §60.49b(c).

[45CSR13, R13-2572, 4.1.8; 45CSR16 and 40CFR60, Subpart Db]

5.2.3. In order to determine compliance with the opacity limit set forth in Section 5.1.3 for Boilers #3 and #4, while burning fuel oil, the permittee shall either perform monthly testing in accordance with 40 CFR Part 60, Appendix A, Method 22, or install a certified continuous opacity monitoring system. If any emissions are observed during Method 22 testing, the permittee shall immediately investigate the cause(s), take corrective action, and repeat the Method 22 test. If emissions are observed during the repeat test, the permittee shall perform testing in accordance with 40 CFR Part 60, Appendix A, Method 9 within 3 days. Records of Method 22 testing and any necessary Method 9 testing shall be retained on site, or accessible electronically from the site, by the permittee for at least five (5) years. Upon request the records shall be certified and made available to the Director or his/her duly authorized representative.
[45CSR13, R13-0009, 4.2.1]

5.2.4. If requested by the Secretary, in order to determine compliance with the opacity limit for Boiler #5 given in section 5.1.3. the permittee shall either perform testing in accordance with 40 CFR Part 60, Appendix A, Method 22, or install a certified continuous opacity monitoring system. If any emissions are observed during Method 22 testing, the permittee shall immediately investigate the cause(s), take corrective action, and repeat the Method 22 test. If emissions are observed during the repeat test, the permittee shall perform testing in accordance with 40 CFR Part 60, Appendix A, Method 9 within 3 days.
[45CSR13, R13-2572, 4.3.1]

5.3. Testing Requirements

5.3.1. The pertinent sections of 40 CFR 60, Subpart Db, applicable to this facility (Boiler #5, Emission Point ID 007-06) are:

§60.46b(c)

Compliance with the nitrogen oxides emission standards under §60.44b shall be determined through performance testing under paragraph (e) or (f), or under paragraphs (g) and (h) of §60.46b, as applicable.

§60.46b(e)

To determine compliance with the emission limits for nitrogen oxides required under §60.44b, the owner or operator of an affected facility shall conduct the performance test as required under §60.8 using the continuous system for monitoring nitrogen oxides under §60.48(b).

§60.46b(e)(4)
Following the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, the owner or operator of an affected facility that has a heat input capacity of 73 MW (250 MMBtu/hr) or less and that combusts natural gas, distillate oil, gasified coal, or residual oil having a nitrogen content of 0.30 weight percent or less shall upon request determine compliance with the NO_X standards in §60.44b through the use of a 30-day performance test. During periods when performance tests are not requested, NO_X emissions data collected pursuant to §60.48b(g)(1) or §60.48b(g)(2) are used to calculate a 30-day rolling average emission rate on a daily basis and used to prepare excess emission reports, but will not be used to determine compliance with the NO_X emission standards. A new 30-day rolling average emission rate is calculated each steam generating unit operating day as the average of all of the hourly NO_X emission data for the preceding 30 steam generating unit operating days.

[45CSR13, R13-2572, 4.1.8, 45CSR16 and 40CFR60, Subpart Db]

5.4. Recordkeeping Requirements

5.4.1. The pertinent sections of 40 CFR 60, Subpart Db, applicable to this facility (Boiler #5, Emission Point ID 007-06) are:

§60.44b(i)
Except as provided under §60.44b(j), compliance with the emission limits under Requirement 5.1.10 (§60.44b) is determined on a 30-day rolling average basis.

§60.48b(d)
The 1-hour average nitrogen oxides emission rates measured by the continuous nitrogen oxides monitor required by Requirement 5.2.2 (§60.48b(b)) and required under §60.13(h) shall be expressed in ng/J or lb/million Btu heat input and shall be used to calculate the average emission rates under Requirement 5.1.10 (§60.44b). The 1-hour averages shall be calculated using the data points required under §60.13(b). At least 2 data points must be used to calculate each 1-hour average.

§60.49b(d)
The owner or operator of an affected facility shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for coal, distillate oil, residual oil, natural gas, wood, and municipal-type solid waste for each calendar quarter. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.

§60.49b(g)
Except as provided under paragraph (p) of §60.49b, the owner or operator of an affected facility subject to the nitrogen oxides standards under §60.44b shall maintain records of the following information for each steam generating unit operating day:

§60.49b(g)(1)
Calendar date.

§60.49b(g)(2)
The average hourly nitrogen oxides emission rates (expressed as NO_2) (ng/J or lb/million Btu heat input) measured or predicted.

§60.49b(g)(3)
The 30-day average nitrogen oxides emission rates (ng/J or lb/million Btu heat input) calculated at the end of each steam generating unit operating day from the measured or predicted hourly nitrogen oxide emission rates for the preceding 30 steam generating unit operating days.

§60.49b(g)(4)
Identification of the steam generating unit operating days when the calculated 30-day average nitrogen oxides emission rates are in excess of the nitrogen oxides emissions standards under §60.44b, with the reasons for such excess emissions as well as a description of corrective actions taken.

§60.49b(g)(5)
Identification of the steam generating unit operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken.

§60.49b(g)(6)
Identification of the times when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data.

§60.49b(g)(7)
Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.

§60.49b(g)(8)
Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.

§60.49b(g)(9)
Description of any modifications to the continuous monitoring system that could affect the ability of the continuous monitoring system to comply with Performance Specification 2 or 3.

§60.49b(g)(10)
Results of daily CEMS drift tests and quarterly accuracy assessments as required under appendix F, Procedure 1.
[45CSR13, R13-2572, 4.1.8, 45CSR16 and 40CFR60, Subpart Db]

5.4.2. Compliance with the record keeping Requirement 5.4.1 (§60.49b(d)) shall demonstrate compliance with the maximum combustion limit for the Boiler #5 set forth in Requirement 5.1.2, provided that such records shall be retained on site, or accessible electronically at the site for at least five (5) years. Compliance with the hourly fuel usage limit shall be determined on a per month basis. Compliance with the annual fuel usage limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of the natural gas consumed for the previous twelve (12) consecutive months. Upon request the records shall be certified and made available to the Director or his/her duly authorized representative.

Compliance with the Requirement 5.1.2 and 5.1.14 will also demonstrate compliance with the Boiler #5 hourly and annual emission limits for PM_{10}, SO_2, CO and VOC set forth in Requirement 5.1.1.
[45CSR13, R13-2572, 4.2.1 and 4.4.4, and 45CSR§30-5.1.c]

5.4.3. Compliance with the Boiler #5 hourly emission limits for NOx set forth in Requirement 5.1.1 shall be determined on a 30-day rolling average basis as per Requirements 5.4.1. Compliance with the annual emission limits shall be determined on a 12-month rolling total basis. Compliance with the NOx emission limit for Boiler #5 set forth in Requirement 5.1.10 will be demonstrated if compliance with the NOx hourly emission limit for Boiler #5 set forth in Requirement 5.1.1 is demonstrated.
[45CSR16, 45CSR§30-5.1.c, 40CFR60.49b(i), 40CFR60.49b(g)(3) and 40CFR60.49b(g)(10)]

5.4.4. To demonstrate compliance with the maximum combustion limits for Boilers #3 and #4 set forth in Requirements 5.1.6 and 5.1.7 the owner or operator shall maintain records of the operating schedule and the quantity and quality of No. 2 fuel oil consumed in by each of the fuel burning units. Compliance with the hourly combustion limit shall be determined on a per month basis. Compliance with the maximum annual combustion limit shall be determined using a twelve (12) month rolling total. A twelve (12) month rolling total shall mean the sum of the No. 2 fuel oil consumed for the previous twelve (12) consecutive months. Such records shall be retained on site by the permittee for at least five (5) years.

Compliance with the maximum combustion limits will demonstrate compliance with the emission limits set forth in Requirements 5.1.4 and 5.1.5. Upon request the records shall be certified and made available to the Director or his/her duly authorized representative.
[45CSR13, R13-0009, 4.4.4 and 45CSR§2-8.3.c]

5.4.5. A record of each visible emission observation and opacity evaluation per Requirement 5.2.3 shall be maintained on site, or accessible electronically at the site for a period of no less than five (5) years and shall be made available to the Director or his/her duly authorized representative upon request. Said records shall include the date, time, name of emission unit, the applicable visible emission requirement, the results of the check, what action(s), if any, was/were taken, and the name of the observer.
[45CSR13, R13-0009, 4.4.5]

5.4.6. **Record of Maintenance of Boiler #5.** For Boiler #5, the permittee shall maintain accurate records of all required equipment inspection and/or preventative maintenance procedures. Records shall be maintained on site, or be accessible electronically at the site, and shall be made available to the Director or his/her duly authorized representative upon request.
[45CSR§30-5.1.c]

5.5. Reporting Requirements

5.5.1. The pertinent sections of 40 CFR 60, Subpart Db, applicable to this facility (Boiler #5, Emission Point ID 007-06) are:

§60.49b(h)

The owner or operator of any affected facility in any category listed in paragraphs (h)(1) or (2) of *this section* is required to submit excess emission reports for any excess emissions which occurred during the reporting period.

§60.49b(h)(1)

Any affected facility subject to the opacity standards under §60.43b(e) or to the operating parameter monitoring requirements under §60.13(i)(1).

§60.49b(h)(2)

Any affected facility that is subject to the nitrogen oxides standard of §60.44b, and that

60.49b(h)(2)(i)

Combusts natural gas, distillate oil, or residual oil with a nitrogen content of 0.3 weight percent or less, or

§60.49b(h)(2)(ii)

Has a heat input capacity of 73 MW (250 million Btu/hour) or less and is required to monitor nitrogen oxides emissions on a continuous basis under §60.48b(g)(1) or steam generating unit operating conditions under §60.48b(g)(2).

§60.49b(h)(3)

For the purpose of §60.43b, excess emissions are defined as all 6-minute periods during which the average opacity exceeds the opacity standards under §60.43b(f).

§60.49b(h)(4)

For purposes of §60.48b(g)(1), excess emissions are defined as any calculated 30-day rolling average nitrogen oxides emission rate, as determined under §60.46b(e), which exceeds the applicable emission limits in §60.44b.

§60.49b(o)

All records required under §60.49b shall be maintained by the owner or operator of the affected facility for a period of 2 years following the date of such record.

§60.49b(v)

The owner or operator of an affected facility may submit electronic quarterly reports for SO_2 and/or NO_X and/or opacity in lieu of submitting the written reports required under paragraphs (h) of §60.49b. The format of each

quarterly electronic report shall be coordinated with the permitting authority. The electronic report(s) shall be submitted no later than 30 days after the end of the calendar quarter and shall be accompanied by a certification statement from the owner or operator, indicating whether compliance with the applicable emission standards and minimum data requirements of this subpart was achieved during the reporting period. Before submitting reports in the electronic format, the owner or operator shall coordinate with the permitting authority to obtain their agreement to submit reports in this alternative format.

§60.49b(w)

The reporting period for the reports required under this subpart is each 6 month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period.

[45CSR13, R13-2572, 4.1.8, 45CSR16 and 40CFR60, Subpart Db]

5.6. Compliance Plan

5.6.1. N/A

6.0 Wastewater Treatment Plant Requirements [*Emission Unit Group 008*]

6.1. Limitations and Standards

6.1.1. Emergency generator, EG1, shall be a permanently installed Caterpillar 3406 diesel-fired electric generator with a maximum rating of 483 horsepower.
[45CSR13, R13-2486, A.1]

6.1.2. Emergency generator, EG1, shall be limited to a maximum operating schedule of 500 hours per year.
[45CSR13, R13-2486, A.2]

6.1.3. The diesel-fired engine used to power EG1 shall be fueled only with Grade No. 2 Diesel Fuel.
[45CSR13, R13-2486, A.4]

6.1.4**.** Maximum allowable emissions to the atmosphere from sources listed below shall not exceed the following annual limitations**:**

Emission Point	Acrylonitrile, TPY
008-06 – Wastewater Treatment Process	15.5

[45CSR13, R13-1886, 4.1.7 and R13-2678, 5.1.1]

6.1.5**.** Maximum allowable 1,3 butadiene emissions to the atmosphere from sources listed below shall not exceed the following annual limitations:

Emission Point	1,3 Butadiene, lb/yr
008-06 – Wastewater Treatment Process	600

[45CSR13, R13-1886, 4.1.7]

6.1.6. The following sections of 40 CFR 63, Subpart ZZZZ National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Attachment F of this permit) are applicable to the Emergency Generator (07-16104):

63.6585 Am I subject to this subpart?

63.6590(a)(1)(ii) What parts of my plant does this subpart cover?

63.6595(a)(1) When do I have to comply with this subpart?

63.6602 (Table 2c, Item 1) What emission limitations must I meet if I own or operate an existing stationary CI RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions?

63.6605(a) and (b) What are my general requirements for complying with this subpart?

63.6625(e), (f), (h) and (i) What are my monitoring, installation, collection, operation, and maintenance requirements?

63.6640(e) and (f) How do I demonstrate continuous compliance with the emission limitations and operating limitations?

63.6665 What parts of the General Provisions apply to me?

[45CSR34 and 40CFR63, Subpart ZZZZ]

6.2. Monitoring Requirements

6.2.1. To demonstrate compliance with 6.1.2, the permittee shall monitor operating hours of the Emergency generator EG1 on daily basis.
[45CSR§30-5.1.c]

6.3. Testing Requirements

6.3.1. None

6.4. Recordkeeping Requirements

6.4.1. For the purpose of determining compliance with permit limits based on the emergency generator operation as described in Specific Requirements 6.1.2, the permittee shall maintain a daily record of the hours the generator is operated and all maintenance/repair activity performed using the sample record keeping format appended hereto as Attachment D. Compliance with the annual operating limit shall be determined using a rolling yearly total. All records are to be maintained on site for a period of not less than five (5) years. At the request of the Director or his/her duly authorized representative, records shall be certified by a "Responsible Official" and shall be made available to the Director or his/her duly authorized representative.
Records shall be deemed to be "maintained on site" if they are kept in an electronic format off-site, but are accessible from the site.
[45CSR13, R13-2486, A.3 and B.2]

6.4.2. For the purpose of determining compliance with the Requirement 6.1.3, the permittee shall keep records of type of fuel purchased for use in the emergency generator EG1.
[45CSR§30-5.1.c]

6.4.3. For the purpose of determining compliance with the permit limit set forth in Requirement 6.1.4, the permittee shall perform emission calculations within 30 days of the end of each calendar quarter. Compliance with the annual emission limit shall be determined using a rolling yearly total. Such records shall be retained on site, or accessible electronically at the site by the permittee.
[45CSR§30-5.1.c]

6.4.4. For the purpose of determining compliance with the permit limit set forth in Requirements 6.1.5, the permittee shall perform emission calculations within 30 days of the end of each calendar quarter. Such records shall be retained on site, or accessible electronically at the site by the permittee.
[45CSR§30-5.1.c. State-enforceable only.]

6.4.5 The following recordkeeping sections of 40 CFR 63, Subpart ZZZZ National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Attachment F of this permit) are applicable to the Emergency Generator (07-16104):

63.6655(e)(2) and (f)(1) What records must I keep?

63.6660 In what form and how long must I keep my records?

[45CSR34 and 40CFR63, Subpart ZZZZ]

6.5. Reporting Requirements

6.5.1 The following reporting sections of 40 CFR 63, Subpart ZZZZ National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Attachment F of this permit) are applicable to the Emergency Generator (07-16104):

63.6650(f) What reports must I submit and when?

[45CSR34 and 40CFR63, Subpart ZZZZ]

6.6. Compliance Plan

6.6.1. N/A

ATTACHMENT A

40 CFR 63 Subpart JJJ – *National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins* applicable requirements

§ 63.1313 Emission standards.

(a) Except as allowed under paragraphs (b) through (d) of this section, the owner or operator of an existing or new affected source shall comply with the provisions in:

(1) Section 63.1314 for storage vessels;

(2) Section 63.1315, or §§63.1316 through 63.1320, as appropriate, for continuous process vents;

(3) Section 63.1321 for batch process vents;

(4) Section 63.1328 for heat exchange systems;

(5) Section 63.1329 for process contact cooling towers;

(6) Section 63.1330 for wastewater;

(7) Section 63.1331 for equipment leaks;

(8) Section 63.1333 for additional test methods and procedures;

(9) Section 63.1334 for parameter monitoring levels and excursions; and

(10) Section 63.1335 for general recordkeeping and reporting requirements.

(b) When emissions of different kinds (i.e., emissions from continuous process vents subject to either §63.1315 or §§63.1316 through 63.1320, batch process vents, aggregate batch vent streams, storage vessels, process wastewater, and/or in-process equipment subject to §63.149) are combined, and at least one of the emission streams would be classified as Group 1 in the absence of combination with other emission streams, the owner or operator shall comply with the requirements of either paragraph (b)(1) or (b)(2) of this section, as appropriate. For purposes of this paragraph (b), combined emission streams containing one or more batch process vents and containing one or more continuous process vents subject to §63.1315, §63.1316(b)(1)(i)(A), §63.1316(b)(1)(ii), §63.1316(b)(2)(i), §63.1316(b)(2)(ii), or §63.1316(c)(1), excluding §63.1316(c)(1)(ii), may comply with either paragraph (b)(1) or (b)(2) of this section, as appropriate. For purposes of this paragraph (b), the owner or operator of an affected source with combined emission streams containing one or more batch process vents but not containing one or more continuous process vents subject to §63.1315, §63.1316(b)(1)(i)(A), §63.1316(b)(1)(ii), §63.1316(b)(2)(i), §63.1316(b)(2)(ii), or §63.1316(c)(1), excluding §63.1316(c)(1)(ii), shall comply with paragraph (b)(3) of this section.

(1) Comply with the applicable requirements of this subpart for each kind of emission in the stream as specified in paragraphs (a)(1) through (a)(7) of this section.

(2) Comply with the first set of requirements, identified in paragraphs (b)(2)(i) through (b)(2)(vi) of this section, which applies to any individual emission stream that is included in the combined stream, where either that emission stream would be classified as Group 1 in the absence of combination with other emission streams, or the owner or operator chooses to consider that emission stream to be Group 1 for purposes of this paragraph. Compliance with the first applicable set of requirements identified in paragraphs (b)(2)(i) through (b)(2)(vi) of this section constitutes compliance with all other requirements in paragraphs (b)(2)(i) through (b)(2)(vi) of this section applicable to other types of emissions in the combined stream.

(i) The requirements of this subpart for Group 1 continuous process vents subject to §63.1315, including applicable monitoring, recordkeeping, and reporting;

(ii) The requirements of §63.1316(b)(1)(i)(A), §63.1316(b)(1)(ii), §63.1316(b)(2)(i), §63.1316(b)(2)(ii), or §63.1316(c)(1), excluding §63.1316(c)(1)(ii), as appropriate, for control of emissions from continuous process vents subject to the control requirements of §63.1316, including applicable monitoring, recordkeeping, and reporting requirements;

(iii) The requirements of §63.119(e), as specified in §63.1314, for control of emissions from Group 1 storage vessels, including applicable monitoring, recordkeeping, and reporting;

(iv) The requirements of §63.139, as specified in §63.1330, for control devices used to control emissions from waste management units, including applicable monitoring, recordkeeping, and reporting;

(v) The requirements of §63.139, as specified in §63.1330, for closed vent systems for control of emissions from in-process equipment subject to §63.149, as specified in §63.1330, including applicable monitoring, recordkeeping, and reporting; or

(vi) The requirements of this subpart for aggregate batch vent streams subject to §63.1321(c), including applicable monitoring, recordkeeping, and reporting.

(3) The owner or operator of an affected source with combined emission streams containing one or more batch process vents but not containing one or more continuous process vents subject to §63.1315, §63.1316(b)(1)(i)(A), §63.1316(b)(1)(ii), §63.1316(b)(2)(i), §63.1316(b)(2)(ii), or §63.1316(c)(1), excluding §63.1316(c)(1)(ii), shall comply with paragraph (b)(3)(i) and (b)(3)(ii) of this section.

(i) The owner or operator of the affected source shall comply with §63.1321 for the batch process vent(s).

(ii) The owner or operator of the affected source shall comply with either paragraph (b)(1) or (b)(2) of this section, as appropriate, for the remaining emission streams.

(c) Instead of complying with §§63.1314, 63.1315, 63.1316 through 63.1320, 63.1321, and 63.1330, the owner or operator of an existing affected source may elect to control any or all of the storage vessels, batch process vents, aggregate batch vent streams, continuous process vents, and wastewater streams and associated waste management units within the affected source to different levels using an emissions averaging compliance approach that uses the procedures specified in §63.1332. The restrictions concerning which emission points may be included in an emissions average, including how many emission points may be included, are specified in §63.1332(a)(1). An owner or operator electing to use emissions averaging shall still comply with the provisions of §§63.1314, 63.1315, 63.1316 through 63.1320, 63.1321, and 63.1330 for affected source emission points not included in the emissions average.

(d) A State may decide not to allow the use of the emissions averaging compliance approach specified in paragraph (c) of this section.

[61 FR 48229, Sept. 12, 1996, as amended at 65 FR 38106, June 19, 2000]

§ 63.1314 Storage vessel provisions.

(a) This section applies to each storage vessel that is assigned to an affected source, as determined by §63.1310(g). Except as provided in paragraphs (b) through (d) of this section, the owner or operator of an affected source shall comply with the requirements of §§63.119 through 63.123 and 63.148 for those storage vessels, with the differences noted in paragraphs (a)(1) through (a)(17) of this section for the purposes of this subpart.

(1) When the term "storage vessel" is used in §§63.119 through 63.123, the definition of this term in §63.1312 shall apply for the purposes of this subpart.

(2) When the term "Group 1 storage vessel" is used in §§63.119 through 63.123, the definition of this term in §63.1312 shall apply for the purposes of this subpart.

(3) When the term "Group 2 storage vessel" is used in §§63.119 through 63.123, the definition of this term in §63.1312 shall apply for the purposes of this subpart.

(4) When the emissions averaging provisions of §63.150 are referred to in §§63.119 and 63.123, the emissions averaging provisions contained in §63.1332 shall apply for the purposes of this subpart.

(5) When December 31, 1992, is referred to in §63.119, March 29, 1995 shall apply instead, for the purposes of this subpart.

(6) When April 22, 1994, is referred to in §63.119, June 19, 2000 shall apply instead, for the purposes of this subpart.

(7) Each owner or operator of an affected source shall comply with this paragraph (a)(7) instead of §63.120(d)(1)(ii) for the purposes of this subpart. If the control device used to comply with §63.119(e) is also used to comply with any of the requirements found in §63.1315, §63.1316, §63.1322, or §63.1330, the performance test required in or accepted by the applicable requirements of §§63.1315, 63.1316, 63.1322, and 63.1330 is acceptable for demonstrating compliance with §63.119(e) for the purposes of this subpart. The owner or operator is not required to prepare a design evaluation for the control device as described in §63.120(d)(1)(i), if the performance test meets the criteria specified in paragraphs (a)(7)(i) and (a)(7)(ii) of this section.

(i) The performance test demonstrates that the control device achieves greater than or equal to the required control efficiency specified in §63.119(e)(1) or §63.119(e)(2), as applicable; and

(ii) The performance test is submitted as part of the Notification of Compliance Status required by §63.1335(e)(5).

(8) When the term "range" is used in §§63.120(d)(3), 63.120(d)(5), and 63.122(g)(2), the term "level" shall apply instead, for the purposes of this subpart.

(9) For purposes of this subpart, the monitoring plan required by §63.120(d)(2) shall specify for which control devices the owner or operator has selected to follow the procedures for continuous monitoring specified in §63.1334. For those control devices for which the owner or operator has selected to not follow the procedures for continuous monitoring specified in §63.1334, the monitoring plan shall include a description of the parameter or parameters to be monitored to ensure that the control device is being properly operated and maintained, an explanation of the criteria used for selection of that parameter (or parameters), and the frequency with which monitoring will be performed (e.g., when the liquid level in the storage vessel is being raised), as specified in §63.120(d)(2)(i).

(10) For purposes of this subpart, the monitoring plan required by §63.122(b) shall be included in the Notification of Compliance Status required by §63.1335(e)(5).

(11) When the Notification of Compliance Status requirements contained in §63.152(b) are referred to in §§63.120, 63.122, and 63.123, the Notification of Compliance Status requirements contained in §63.1335(e)(5) shall apply for the purposes of this subpart.

(12) When the Periodic Report requirements contained in §63.152(c) are referred to in §§63.120 and 63.122, the Periodic Report requirements contained in §63.1335(e)(6) shall apply for the purposes of this subpart.

(13) When other reports as required in §63.152(d) are referred to in §63.122, the reporting requirements contained in §63.1335(e)(7) shall apply for the purposes of this subpart.

(14) When the Initial Notification requirements contained in §63.151(b) are referred to in §63.122, the owner or operator of an affected source subject to this subpart need not comply for the purposes of this subpart.

(15) When the determination of equivalence criteria in §63.102(b) is referred to in §63.121(a), the provisions in §63.6(g) shall apply for the purposes of this subpart.

(16) When §63.119(a) requires compliance according to the schedule provisions in §63.100, owners and operators of affected sources shall instead comply with the requirements in §§63.119(a)(1) through 63.119(a)(4) by the compliance date for storage vessels, which is specified in §63.1311.

(17) In §63.120(e)(1), instead of the reference to §63.11(b), the requirements of §63.1333(e) shall apply.

(b) Owners or operators of Group 1 storage vessels that are assigned to a new affected source producing SAN using a continuous process shall control emissions to the levels indicated in paragraphs (b)(1) and (b)(2) of this section.

(1) For storage vessels with capacities greater than or equal to 2,271 cubic meters (m^3) containing a liquid mixture having a vapor pressure greater than or equal to 0.5 kilopascal (kPa) but less than 0.7 kPa, emissions shall be controlled by at least 90 percent relative to uncontrolled emissions.

(2) For storage vessels with capacities less than 151 m^3 containing a liquid mixture having a vapor pressure greater than or equal to 10 kPa, emissions shall be controlled by at least 98 percent relative to uncontrolled emissions.

(3) For all other storage vessels designated as Group 1 storage vessels, emissions shall be controlled to the level designated in §63.119.

(c) Owners or operators of Group 1 storage vessels that are assigned to a new or existing affected source producing ASA/AMSAN shall control emissions by at least 98 percent relative to uncontrolled emissions.

(d) The provisions of this subpart do not apply to storage vessels containing ethylene glycol at existing or new affected sources and storage vessels containing styrene at existing affected sources.

[61 FR 48229, Sept. 12, 1996, as amended at 64 FR 11547, Mar. 9, 1999; 65 FR 38107, June 19, 2000]

§ 63.1330 Wastewater provisions.

(a) Except as specified in paragraphs (d) and (e) of this section, the owner or operator of each affected source shall comply with paragraphs (b) and (c) of this section.

(b) The owner or operator of each affected source shall comply with the requirements of §§63.132 through 63.149, with the differences noted in paragraphs (b)(1) through (b)(22) of this section for the purposes of this subpart.

(1) When the determination of equivalence criteria in §63.102(b) is referred to in §§63.132, 63.133, and 63.137, the provisions in §63.6(g) shall apply for the purposes of this subpart.

(2) When the storage vessel requirements contained in §§63.119 through 63.123 are referred to in §§63.132 through 63.149, §§63.119 through 63.123 are applicable, with the exception of the differences referred to in §63.1314, for the purposes of this subpart.

(3) When §63.146(a) requires the submission of a request for approval to monitor alternative parameters according to the procedures specified in §63.151(f) or (g), owners or operators requesting to monitor alternative parameters shall follow the procedures specified in §63.1335(f) for the purposes of this subpart.

(4) When §63.147(d) requires owners or operators to keep records of the daily average value of each continuously monitored parameter for each operating day as specified in §63.152(f), owners and operators shall instead keep records of the daily average value of each continuously monitored parameter as specified in §63.1335(d) for the purposes of this subpart.

(5) When §§63.132 through 63.149 refer to an “existing source,” the term “existing affected source,” as defined in §63.1310(a), shall apply for the purposes of this subpart.

(6) When §§63.132 through 63.149 refer to a “new source,” the term “new affected source,” as defined in §63.1310(a), shall apply for the purposes of this subpart.

(7) When §63.132(a) and (b) refer to the “applicable dates specified in §63.100 of subpart F of this part,” the compliance dates specified in §63.1311 shall apply for the purposes of this subpart.

(8) The provisions of paragraphs (b)(8)(i), (b)(8)(ii), and (b)(8)(iii) of this section clarify the organic HAP that an owner or operator shall consider when complying with the requirements in §§63.132 through 63.149.

(i) When §§63.132 through 63.149 refer to table 8 compounds, the owner or operator is only required to consider 1,3-butadiene for purposes of this subpart.

(ii) When §§63.132 through 63.149 refer to table 9 compounds, the owner or operator is only required to consider compounds that meet the definition of organic HAP in §63.1312 and that are listed on table 9 of 40 CFR part 63, subpart G, for the purposes of this subpart, except for ethylene glycol which need not be considered.

(iii) When §§63.132 through 63.149 refer to compounds in table 36 of 40 CFR part 63, subpart G, or compounds on List 1 and/or List 2, as listed on table 36 of 40 CFR part 63, subpart G, the owner or operator is only required to consider compounds that meet the definition of organic HAP in §63.1312 and that are listed in table 36 of 40 CFR part 63, subpart G, for the purposes of this subpart.

(9) Whenever §§63.132 through 63.149 refer to a “chemical manufacturing process unit,” the term “thermoplastic product process unit,” (or TPPU) as defined in §63.1312, shall apply for the purposes of this subpart. In addition, when §63.149 refers to “a chemical manufacturing process unit that meets the criteria of §63.100(b) of subpart F of this part,” the term “a TPPU as defined in §63.1312(b)” shall apply for the purposes of this subpart.

(10) Whenever §§63.132 through 63.149 refer to a Group 1 wastewater stream or a Group 2 wastewater stream, the definitions of these terms contained in §63.1312 shall apply for the purposes of this subpart.

(11) When §63.149(d) refers to “§63.100(f) of subpart F”, the phrase “§63.1310(c)” shall apply for the purposes of this subpart. In addition, where §63.149(d) states “and the item of equipment is not otherwise exempt from controls by the provisions of subpart A, F, G, or H of this part”, the phrase “and the item of equipment is not otherwise exempt from controls by the provisions of subparts A, F, G, H, or JJJ of this part” shall apply for the purposes of this subpart.

(12) When §63.149(e)(1) and (e)(2) refer to “a chemical manufacturing process unit subject to the new source requirements of 40 CFR §63.100(l)(1) or 40 CFR §63.100(l)(2),” the phrase “a TPPU that is part of a new affected source or that is a new affected source,” shall apply for the purposes of this subpart.

(13) When the Notification of Compliance Status requirements contained in §63.152(b) are referred to in §§63.138 and 63.146, the Notification of Compliance Status requirements contained in §63.1335(e)(5) shall apply for the purposes of this subpart. In addition, when §§63.132 through 63.149 require that information be reported according to §63.152(b) in the Notification of Compliance Status, the owner or operator of an affected source shall report the specified information in the Notification of Compliance Status required by §63.1335(e)(5) for the purposes of this subpart.

(14) When the Periodic Report requirements contained in §63.152(c) are referred to in §63.146, the Periodic Report requirements contained in §63.1335(e)(6) shall apply for the purposes of this subpart. In addition, when §§63.132 through 63.149 require that information be reported in the Periodic Reports required in §63.152(c), the owner or operator of an affected source shall report the specified information in the Periodic Reports required in §63.1335(e)(6) for the purposes of this subpart.

(15) When §63.143(f) specifies that owners or operators shall establish the range that indicates proper operation of the treatment process or control device, the owner or operator shall instead comply with the requirements of §63.1334(c) or (d) for establishing parameter level maximums/minimums for the purposes of this subpart.

(16) When §63.146(b)(7) and §63.146(b)(8) require that "the information on parameter ranges specified in §63.152(b)(2)" be reported in the Notification of Compliance Status, owners and operators of affected sources are instead required to report the information on parameter levels as specified in §63.1335(e)(5)(ii) for the purposes of this subpart.

(17) When the term "range" is used in §§63.132 through 63.149, the term "level" apply instead for the purposes of this subpart. This level shall be determined using the procedures specified in §63.1334.

(18) For the purposes of this subpart, the owner or operator of an affected source is not required to include process wastewater streams that contain styrene when conducting performance tests for the purposes of calculating the required mass removal (RMR) or the actual mass removal (AMR) under the provisions described in §63.145(f) or §63.145(g). For purposes of this paragraph, a process wastewater stream is considered to contain styrene if the wastewater stream meets the requirements in paragraph (b)(18)(i), (ii), (iii), (iv), or (v) of this section.

(i) The wastewater stream originates at equipment that produces ABS or ABS latex;

(ii) The wastewater stream originates at equipment that produces EPS;

(iii) The wastewater stream originates at equipment that produces MABS;

(iv) The wastewater stream originates at equipment that produces MBS; or

(v) The wastewater stream originates at equipment that produces SAN.

(19) When the provisions of §63.139(c)(1)(ii), §63.145(d)(4), or §63.145(i)(2) specify that Method 18, 40 CFR part 60, appendix A, shall be used, Method 18 or Method 25A, 40 CFR part 60, appendix A, may be used for the purposes of this subpart. The use of Method 25A, 40 CFR part 60, appendix A, shall conform with the requirements in paragraphs (b)(19)(i) and (b)(19)(ii) of this section.

(i) The organic HAP used as the calibration gas for Method 25A, 40 CFR part 60, appendix A, shall be the single organic HAP representing the largest percent by volume of the emissions.

(ii) The use of Method 25A, 40 CFR part 60, appendix A, is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(20) In §63.145(j), instead of the reference to §63.11(b), and instead of §63.145(j)(1) and §63.145(j)(2), the requirements in §63.1333(e) shall apply.

(21) The owner or operator of a facility which receives a Group 1 wastewater stream, or a residual removed from a Group 1 wastewater stream, for treatment pursuant to §63.132(g) is subject to the requirements of §63.132(g) with the differences identified in this section, and is not subject to subpart DD of this part with respect to that material.

(22) When §63.132(g) refers to "§§63.133 through 63.137" or "§§63.133 through 63.147", the provisions in this section 63.1330 shall apply, for the purposes of this subpart.

(c) For each affected source, the owner or operator shall comply with the requirements for maintenance wastewater in §63.105, except that when §63.105(a) refers to "organic HAPs listed in table 9 of subpart G of this part," the owner or operator is only required to consider compounds that meet the definition of organic HAP in §63.1312 and that are listed in table 9 of 40 CFR part 63, subpart G, except for ethylene glycol which need not be considered, for the purposes of this subpart.

(d) The provisions of paragraph (b) of this section do not apply to each affected source producing ASA/AMSAN.

(e) The provisions of paragraphs (b) and (c) of this section do not apply to each affected source producing polystyrene using either a continuous or batch process.

[65 FR 38125, June 19, 2000, as amended at 66 FR 36938, July 16, 2001]

§ 63.1331 Equipment leak provisions.

(a) Except as provided for in paragraphs (b) and (c) of this section, the owner or operator of each affected source shall comply with the requirements of subpart H of this part, with the differences noted in paragraphs (a)(1) through (a)(13) of this section.

(1) For an affected source producing polystyrene resin, the indications of liquids dripping, as defined in subpart H of this part, from bleed ports in pumps and agitator seals in light liquid service shall not be considered to be a leak. For purposes of this subpart, a "bleed port" is a technologically-required feature of the pump or seal whereby polymer fluid used to provide lubrication and/or cooling of the pump or agitator shaft exits the pump, thereby resulting in a visible dripping of fluid.

(2) The compliance date for the equipment leak provisions contained in this section is provided in §63.1311. Whenever subpart H of this part refers to the compliance dates specified in any paragraph contained in §63.100, the compliance dates listed in §63.1311(d) shall instead apply, for the purposes of this subpart. When §63.182(c)(4) refers to "sources subject to subpart F," the phrase "sources subject to this subpart" shall apply, for the purposes of this subpart. In addition, extensions of compliance dates are addressed by §63.1311(e) instead of §63.182(a)(6), for the purposes of this subpart.

(3) Owners and operators of an affected source subject to this subpart are not required to submit the Initial Notification required by §63.182(a)(1) and §63.182(b).

(4) As specified in §63.1335(e)(5), the Notification of Compliance Status required by paragraphs §63.182(a)(2) and §63.182(c) shall be submitted within 150 days (rather than 90 days) of the applicable compliance date specified in §63.1311 for the equipment leak provisions.

(5) The information specified by §63.182(a)(3) and §63.182(d) (i.e., Periodic Reports) shall be submitted as part of the Periodic Reports required by §63.1335(e)(6).

(6) For pumps, valves, connectors, and agitators in heavy liquid service; pressure relief devices in light liquid or heavy liquid service; and instrumentation systems; owners or operators of affected sources producing PET shall comply with the requirements of paragraphs (a)(6)(i) and (ii) of this section instead of with the requirements of §63.139.

Owners or operators of PET affected sources shall comply with all other provisions of subpart H of this part for pumps, valves, connectors, and agitators in heavy liquid service; pressure relief devices in light liquid or heavy liquid service; and instrumentation systems, except as specified in paragraphs (a)(6)(iii) through (v) of this section.

(i) A leak is determined to be detected if there is evidence of a potential leak found by visual, audible, or olfactory means. Method 21, 40 CFR part 60, appendix A may not be used to determine the presence or absence of a leak.

(ii)(A) When a leak is detected, it shall be repaired as soon as practical, but not later than 15 days after it is detected, except as provided in §63.171.

(B) The first attempt at repair shall be made no later than 5 days after each leak is detected.

(C) Repaired shall mean that the visual, audible, olfactory, or other indications of a leak have been eliminated; that no bubbles are observed at potential leak sites during a leak check using soap solution; or that the system will hold a test pressure.

(iii) An owner or operator is not required to develop an initial list of identification numbers as would otherwise be required under §63.181(b)(1)(i) or §63.181(b)(4).

(iv) When recording the detection of a leak under §63.182(d)(1), the owner or operator of an affected source shall comply with paragraphs (a)(6)(iv)(A) through (a)(6)(iv)(B) of this section.

(A) When complying with §63.181(d)(1), provide an identification number for the leaking equipment at the time of recordkeeping. Further, the owner or operator is not required to record the identification number of the instrument (i.e., Method 21 instrument) because the use of Method 21 is not an acceptable method for determining a leak under this paragraph (a)(6).

(B) An owner or operator is not required to comply with §63.181(d)(4) which requires a record of the maximum instrument reading measured by Method 21 of 40 CFR part 60, appendix A.

(v) Indications of liquids dripping, as defined in subpart H of this part, from packing glands for pumps in ethylene glycol service where the pump seal is designed to weep fluid shall not be considered to be a leak. Ethylene glycol dripping from pump seals must be captured in a catchpan and returned to the process.

(7) When §63.166(b)(4)(i) refers to Table 9 of subpart G of this part, the owner or operator is only required to consider organic HAP listed on Table 6 of this subpart for purposes of this subpart, except for ethylene glycol which need not be considered.

(8) When the provisions of subpart H of this part specify that Method 18, 40 CFR part 60, appendix A, shall be used, Method 18 or Method 25A, 40 CFR part 60, appendix A, may be used for the purposes of this subpart. The use of Method 25A, 40 CFR part 60, appendix A, shall conform with the requirements in paragraphs (a)(8)(i) and (a)(8)(ii) of this section.

(i) The organic HAP used as the calibration gas for Method 25A, 40 CFR part 60, appendix A, shall be the single organic HAP representing the largest percent by volume of the emissions.

(ii) The use of Method 25A, 40 CFR part 60, appendix A, is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(9) [Reserved]

(10) If specific items of equipment, comprising part of a process unit subject to this subpart, are managed by different administrative organizations (e.g., different companies, affiliates, departments, divisions, etc.), those items of equipment may be aggregated with any TPPU within the affected source for all purposes under subpart H of this part, providing there is no delay in achieving the applicable compliance date.

(11) When the terms “equipment” and “equipment leak” are used in subpart H of this part, the definitions of these terms in §63.1312 shall apply for the purposes of this subpart.

(12) The phrase “the provisions of subparts F, I, or JJJ of this part” shall apply instead of the phrase “the provisions of subpart F or I of this part” throughout §§63.163 and 63.168, for the purposes of this subpart. In addition, the phrase “subparts F, I, and JJJ” shall apply instead of the phrase “subparts F and I” in §63.174(c)(2)(iii), for the purposes of this subpart.

(13) An owner or operator using a flare to comply with the requirements of this section shall conduct a compliance demonstration as specified in §63.1333(e).

(b) The provisions of this section do not apply to each TPPU producing PET using a process other than a continuous terephthalic acid (TPA) high viscosity multiple end finisher process that is part of an affected source if all of the equipment leak components subject to this section §63.1331 in the TPPU are either in vacuum service or in heavy liquid service.

(1) Owners and operators of a TPPU exempted under paragraph (b) of this section shall comply with paragraph (b)(1)(i) or (b)(1)(ii) of this section.

(i) Retain information, data, and analyses used to demonstrate that all of the components in the exempted TPPU are either in vacuum service or in heavy liquid service. For components in vacuum service, examples of information that could document this include, but are not limited to, analyses of process stream composition and process conditions, engineering calculations, or process knowledge. For components in heavy liquid service, such documentation shall include an analysis or demonstration that the process fluids do not meet the criteria of “in light liquid service” or “in gas or vapor service.”

(ii) When requested by the Administrator, demonstrate that all of the components in the TPPU are either in vacuum service or in heavy liquid service.

(2) If changes occur at a TPPU exempted under paragraph (b) of this section such that all of the components in the TPPU are no longer either in vacuum service or in heavy liquid service (e.g., by either process changes or the addition of new components), the owner or operator of the affected source shall comply with the provisions of this section for all of the components at the TPPU. The owner or operator shall submit a report within 180 days after the process change is made or the information regarding the process change is known to the owner or operator. This report may be included in the next Periodic Report, as specified in paragraph (a)(5) of this section. A description of the process change shall be submitted with this report.

(c) The provisions of this section do not apply to each affected source producing PET using a continuous TPA high viscosity multiple end finisher process.

[61 FR 48229, Sept. 12, 1996, as amended at 62 FR 37722, July 15, 1997; 65 FR 38127, June 19, 2000; 66 FR 40907, Aug. 6, 2001]

§ 63.1333 Additional requirements for performance testing.

(a) Performance testing shall be conducted in accordance with §63.7(a)(1), (a)(3), (d), (e)(1), (e)(2), (e)(4), (g), and (h), with the exceptions specified in paragraphs (a)(1) through (a)(5) of this section and the additions specified in paragraphs (b) through (d) of this section. Sections 63.1314 through 63.1330 also contain specific testing requirements.

(1) Performance tests shall be conducted according to the provisions of §63.7(e)(1) and (e)(2), except that performance tests shall be conducted at maximum representative operating conditions achievable during one of the time periods described in paragraph (a)(1)(i) of this section, without causing any of the situations described in paragraph (a)(1)(ii) of this section to occur.

(i) The 6-month period that ends 2 months before the Notification of Compliance Status is due, according to §63.1335(e)(5); or the 6-month period that begins 3 months before the performance test and ends 3 months after the performance test.

(ii) Causing damage to equipment; necessitating that the owner or operator make product that does not meet an existing specification for sale to a customer; or necessitating that the owner or operator make product in excess of demand.

(2) The requirements in §63.1335(e)(5) shall apply instead of the references in §63.7(g) to the Notification of Compliance Status requirements in §63.9(h).

(3) Because the site-specific test plans in §63.7(c)(3) are not required, §63.7(h)(4)(ii) is not applicable.

(4) The owner or operator shall notify the Administrator of the intention to conduct a performance test at least 30 days before the performance test is scheduled to allow the Administrator the opportunity to have an observer present during the test. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator by mutual agreement.

(5) Performance tests shall be performed no later than 150 days after the compliance dates specified in this subpart (i.e., in time for the results to be included in the Notification of Compliance Status), rather than according to the time periods in §63.7(a)(2) of subpart A of this part.

(b) Each owner or operator of an existing affected source producing MBS complying with §63.1315(b)(2) shall determine compliance with the mass emission per mass product standard by using Equation 49 of this subpart. When determining E_i, when the provisions of §63.116(c)(4) specify that Method 18, 40 CFR part 60, appendix A, shall be used, Method 18 or Method 25A, 40 CFR part 60, appendix A, may be used for the purposes of this subpart. The use of Method 25A, 40 CFR part 60, appendix A, shall conform with the requirements in paragraphs (b)(1) and (b)(2) of this section.

$$ER_{MBS} = \frac{\sum_{i=1}^{n} E_i}{PP_M} \qquad \text{[Eq. 49]}$$

Where:

ER_{MBS}= Emission rate of organic HAP or TOC from continuous process vents, kg/Mg product.

E_i= Emission rate of organic HAP or TOC from continuous process vent i as calculated using the procedures specified in §63.116(c)(4), kg/month.

PP_M= Amount of polymer produced in one month as determined by the procedures specified in §63.1318(b)(1)(ii), Mg/month.

n = Number of continuous process vents.

(1) The organic HAP used as the calibration gas for Method 25A, 40 CFR part 60, appendix A, shall be the single organic HAP representing the largest percent by volume.

(2) The use of Method 25A, 40 CFR part 60, appendix A, is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(c) The owner or operator of an affected source, complying with §63.1322(a)(3) shall determine compliance with the percent reduction requirement using Equation 50 of this subpart.

$$PR = \frac{\left[H_j \sum_{j=1}^{n} \left(E_i - E_o\right) j\right] + \sum_{k=1}^{n} H_k E_{kw} + \sum_{l=1}^{n} AE_{unc}}{\left(H_j \sum_{j=1}^{n} E_i\right) + \sum_{k=1}^{n} H_k E_{kw} + \sum_{l=1}^{n} AE_{unc}} (100) \qquad \text{[Eq. 50]}$$

Where:

PR=Percent reduction

H_j=Number of operating hours in a year for control device j.

E_i=Mass rate of TOC or total organic HAP at the inlet of control device j, calculated as specified in §63.1325(f), kg/hr. This value includes all continuous process vents, batch process vents, and aggregate batch vent streams routed to control device j.

E_o=Mass rate of TOC or total organic HAP at the outlet of control device j, calculated as specified in §63.1325(f), kg/hr.

H_k=Number of hours of operation during which positive flow is present in uncontrolled continuous process vent or aggregate batch vent stream k, hr/yr.

E_{ku}=Mass rate of TOC or total organic HAP of uncontrolled continuous process vent or aggregate batch vent stream k, calculated as specified in §63.1325(f)(4), kg/hr.

AE_{unc}=Mass rate of TOC or total organic HAP of uncontrolled batch process vent l, calculated as specified in §63.1325(f)(4), kg/yr.

n=Number of control devices, uncontrolled continuous process vents and aggregate batch vent streams, and uncontrolled batch process vents. The value of n is not necessarily the same for these three items.

(d) Data shall be reduced in accordance with the EPA approved methods specified in the applicable subpart or, if other test methods are used, the data and methods shall be validated according to the protocol in Method 301 of appendix A of this part.

(e) Notwithstanding any other provision of this subpart, if an owner or operator of an affected source uses a flare to comply with any of the requirements of this subpart, the owner or operator shall comply with paragraphs (e)(1) through (e)(3) of this section. The owner or operator is not required to conduct a performance test to determine percent emission reduction or outlet organic HAP or TOC concentration. If a compliance demonstration has been conducted previously for a flare, using the techniques specified in paragraphs (e)(1) through (e)(3) of this section, that compliance demonstration may be used to satisfy the requirements of this paragraph if either no deliberate process changes have been made since the compliance demonstration, or the results of the compliance demonstration reliably demonstrate compliance despite process changes.

(1) Conduct a visible emission test using the techniques specified in §63.11(b)(4);

(2) Determine the net heating value of the gas being combusted, using the techniques specified in §63.11(b)(6); and

(3) Determine the exit velocity using the techniques specified in either §63.11(b)(7)(i) (and §63.11(b)(7)(iii), where applicable) or §63.11(b)(8), as appropriate.

[61 FR 48229, Sept. 12, 1996, as amended at 65 FR 38128, June 19, 2000]

§ 63.1335 General recordkeeping and reporting provisions.

(a) *Data retention.* Unless otherwise specified in this subpart, the owner or operator of an affected source shall keep copies of all applicable records and reports required by this subpart for at least 5 years, as specified in paragraph (a)(1) of this section, with the exception listed in paragraph (a)(2) of this section.

(1) All applicable records shall be maintained in such a manner that they can be readily accessed. The most recent 6 months of records shall be retained on site or shall be accessible from a central location by computer or other means that provides access within 2 hours after a request. The remaining 4 and one-half years of records may be retained offsite. Records may be maintained in hard copy or computer-readable form including, but not limited to, on paper, microfilm, computer, floppy disk, magnetic tape, or microfiche.

(2) If an owner or operator submits copies of reports to the appropriate EPA Regional Office, the owner or operator is not required to maintain copies of reports. If the EPA Regional Office has waived the requirement of §63.10(a)(4)(ii) for submittal of copies of reports, the owner or operator is not required to maintain copies of those reports.

(b) *Requirements of subpart A of this part.* The owner or operator of an affected source shall comply with the applicable recordkeeping and reporting requirements in subpart A of this part as specified in Table 1 of this subpart. These requirements include, but are not limited to, the requirements specified in paragraphs (b)(1) and (b)(2) of this section.

(1) *Start-up, shutdown, and malfunction plan.* The owner or operator of an affected source shall develop a written startup, shutdown, and malfunction plan as specified in §63.6(e)(3). This plan shall describe, in detail, procedures for operating and maintaining the affected source during periods of start-up, shutdown, and malfunction and a program for corrective action for malfunctioning process and air pollution control equipment used to comply with this subpart. Inclusion of Group 2 emission points is not required, unless these points are included in an emissions average. For equipment leaks (subject to §63.1331), the start-up, shutdown, and malfunction plan requirement is limited to control devices and is optional for other equipment. For equipment leaks, the start-up, shutdown, and malfunction plan may include written procedures that identify conditions that justify a delay of repair. A provision for ceasing to collect, during a start-up, shutdown, or malfunction, monitoring data that would otherwise be required by the provisions of this subpart may be included in the start-up, shutdown, and malfunction plan only if the owner or operator has demonstrated to the Administrator, through the Precompliance Report or a supplement to the Precompliance Report, that the monitoring system would be damaged or destroyed if it were not shut down during the start-up, shutdown, or malfunction. The affected source shall keep the start-up, shutdown, and malfunction plan on-site. Records associated with the plan shall be kept as specified in paragraphs (b)(1)(i)(A) through (b)(1)(i)(C) of this section. Reports related to the plan shall be submitted as specified in paragraph (b)(1)(ii) of this section.

(i) *Records of start-up, shutdown, and malfunction.* The owner or operator shall keep the records specified in paragraphs (b)(1)(i)(A) through (b)(1)(i)(C) of this section.

(A) Records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of process equipment or control devices or recovery devices or continuous monitoring systems used to comply with this subpart during which excess emissions (as defined in §63.1310(j)(4)) occur.

(B) For each start-up, shutdown, or malfunction during which excess emissions (as defined in §63.1310(j)(4)) occur, records reflecting whether the procedures specified in the affected source's start-up, shutdown, and malfunction plan were followed, and documentation of actions taken that are not consistent with the plan. For example, if a start-up, shutdown, and malfunction plan includes procedures for routing a control device to a backup control device, records shall be kept of whether the plan was followed. These records may take the form of a “checklist,” or other form of recordkeeping that confirms conformance with the start-up shutdown, and malfunction plan for the event.

(C) Records specified in paragraphs (b)(1)(i)(A) through (b)(1)(i)(B) of this section are not required if they pertain solely to Group 2 emission points that are not included in an emissions average.

(ii) *Reports of start-up, shutdown, and malfunction.* For the purposes of this subpart, the semiannual start-up, shutdown, and malfunction reports shall be submitted on the same schedule as the Periodic Reports required under paragraph (e)(6) of this section instead of being submitted on the schedule specified in §63.10(d)(5)(i). The reports shall include the information specified in §63.10(d)(5)(i).

(2) *Application for approval of construction or reconstruction.* For new affected sources, each owner or operator shall comply with the provisions in §63.5 regarding construction and reconstruction, excluding the provisions specified in §63.5(d)(1)(ii)(H), (d)(1)(iii), (d)(2), and (d)(3)(ii).

(c) [Reserved]

(d) *Recordkeeping and documentation.* Owners or operators required to keep continuous records shall keep records as specified in paragraphs (d)(1) through (d)(7) of this section, unless an alternative recordkeeping system has been requested and approved as specified in paragraph (g) of this section, and except as provided in paragraph (h) of this section. If a monitoring plan for storage vessels pursuant to §63.1314(a)(9) requires continuous records, the monitoring plan shall specify which provisions, if any, of paragraphs (d)(1) through (d)(7) of this section apply. As described in §63.1314(a)(9), certain storage vessels are not required to keep continuous records as specified in this paragraph. Owners and operators of such storage vessels shall keep records as specified in the monitoring plan required by §63.1314(a)(9). Paragraphs (d)(8) and (d)(9) of this section specify documentation requirements.

(1) The monitoring system shall measure data values at least once every 15 minutes.

(2) The owner or operator shall record either each measured data value or block average values for 1 hour or shorter periods calculated from all measured data values during each period. If values are measured more frequently than once per minute, a single value for each minute may be used to calculate the hourly (or shorter period) block average instead of all measured values. Owners or operators of batch process vents shall record each measured data value.

(3) Daily average (or batch cycle daily average) values of each continuously monitored parameter shall be calculated for each operating day as specified in paragraphs (d)(3)(i) through (d)(3)(ii) of this section, except as specified in paragraphs (d)(6) and (d)(7) of this section.

(i) The daily average value or batch cycle daily average shall be calculated as the average of all parameter values recorded during the operating day, except as specified in paragraph (d)(7) of this section. For batch process vents, as specified in §63.1326(e)(2)(i), only parameter values measured during those batch emission episodes, or portions thereof, in the batch cycle that the owner or operator has chosen to control shall be used to calculate the average. The calculated average shall cover a 24-hour period if operation is continuous, or the number of hours of operation per operating day if operation is not continuous.

(ii) The operating day shall be the period the owner or operator specifies in the operating permit or the Notification of Compliance Status for purposes of determining daily average values or batch cycle daily average values of monitored parameters.

(4)–(5) [Reserved]

(6) *Records required when all recorded values are within the established limits.* If all recorded values for a monitored parameter during an operating day are above the minimum level or below the maximum level established in the Notification of Compliance Status or operating permit, the owner or operator may record that all values were above the minimum level or below the maximum level rather than calculating and recording a daily average (or batch cycle daily average) for that operating day.

(7) Monitoring data recorded during periods identified in paragraphs (d)(7)(i) through (d)(7)(v) of this section shall not be included in any average computed under this subpart. Records shall be kept of the times and durations of all such periods and any other periods during process or control device or recovery device operation when monitors are not operating.

(i) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments;

(ii) Start-ups;

(iii) Shutdowns;

(iv) Malfunctions;

(v) Periods of non-operation of the affected source (or portion thereof), resulting in cessation of the emissions to which the monitoring applies.

(8) For continuous monitoring systems used to comply with this subpart, records documenting the completion of calibration checks, and records documenting the maintenance of continuous monitoring systems that are specified in the manufacturer's instructions or that are specified in other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

(9) The owner or operator of an affected source granted a waiver under §63.10(f) shall maintain the information, if any, specified by the Administrator as a condition of the waiver of recordkeeping or reporting requirements.

(e) *Reporting and notification.* In addition to the reports and notifications required by subpart A of this part as specified in Table 1 of this subpart, the owner or operator of an affected source shall prepare and submit the reports listed in paragraphs (e)(3) through (e)(8) of this section, as applicable. All reports required by this subpart, and the schedule for their submittal, are listed in Table 9 of this subpart.

(1) Owners and operators shall not be in violation of the reporting requirements of this subpart for failing to submit information required to be included in a specified report if the owner or operator meets the requirements in paragraphs (e)(1)(i) through (e)(1)(iii) of this section. Examples of circumstances where this paragraph may apply include information related to newly-added equipment or emission points, changes in the process, changes in equipment required or utilized for compliance with the requirements of this subpart, or changes in methods or equipment for monitoring, recordkeeping, or reporting.

(i) The information was not known in time for inclusion in the report specified by this subpart;

(ii) The owner or operator has been diligent in obtaining the information; and

(iii) The owner or operator submits a report according to the provisions of paragraphs (e)(1)(iii)(A) through (e)(1)(iii)(C) of this section.

(A) If this subpart expressly provides for supplements to the report in which the information is required, the owner or operator shall submit the information as a supplement to that report. The information shall be submitted no later than 60 days after it is obtained, unless otherwise specified in this subpart.

(B) If this subpart does not expressly provide for supplements, but the owner or operator must submit a request for revision of an operating permit pursuant to part 70 or part 71, due to circumstances to which the information pertains, the owner or operator shall submit the information with the request for revision to the operating permit.

(C) In any case not addressed by paragraph (e)(1)(iii)(A) or (e)(1)(iii)(B) of this paragraph, the owner or operator shall submit the information with the first Periodic Report, as required by this subpart, which has a submission deadline at least 60 days after the information is obtained.

(2) All reports required under this subpart shall be sent to the Administrator at the appropriate address listed in §63.13. If acceptable to both the Administrator and the owner or operator of an affected source, reports may be submitted on electronic media.

(3) *Precompliance Report.* Owners or operators of affected sources requesting an extension for compliance; requesting approval to use alternative monitoring parameters, alternative continuous monitoring and recordkeeping, or alternative controls; requesting approval to use engineering assessment to estimate emissions from a batch emissions episode, as described in §63.1323(b)(6)(i)(C); wishing to establish parameter monitoring levels according to the procedures contained in §63.1334(c) or (d); or requesting approval to incorporate a provision for ceasing to collect monitoring data, during a start-up, shutdown, or malfunction, into the start-up, shutdown, and malfunction plan, when that monitoring equipment would be damaged if it did not cease to collect monitoring data, as permitted under §63.1310(j)(3), shall submit a Precompliance Report according to the schedule described in paragraph (e)(3)(i) of this section. The Precompliance Report shall contain the information specified in paragraphs (e)(3)(ii) through (e)(3)(viii) of this section, as appropriate.

(i) *Submittal dates.* The Precompliance Report shall be submitted to the Administrator no later than December 19, 2000. If a Precompliance Report was submitted prior to June 19, 2000 and no changes need to be made to that Precompliance Report, the owner or operator shall re-submit the earlier report or submit notification that the previously submitted report is still valid. Unless the Administrator objects to a request submitted in the Precompliance Report within 45 days after its receipt, the request shall be deemed approved. For new affected sources, the Precompliance Report shall be submitted to the Administrator with the application for approval of construction or reconstruction required in paragraph (b)(2) of this section. Supplements to the Precompliance Report may be submitted as specified in paragraph (e)(3)(ix) of this section.

(ii) A request for an extension for compliance, as specified in §63.1311(e), may be submitted in the Precompliance Report. The request for a compliance extension shall include the data outlined in §63.6(i)(6)(i)(A), (B), and (D), as required in §63.1311(e)(1).

(iii) The alternative monitoring parameter information required in paragraph (f) of this section shall be submitted in the Precompliance Report if, for any emission point, the owner or operator of an affected source seeks to comply through the use of a control technique other than those for which monitoring parameters are specified in this subpart or in subpart G of this part or seeks to comply by monitoring a different parameter than those specified in this subpart or in subpart G of this part.

(iv) If the affected source seeks to comply using alternative continuous monitoring and recordkeeping as specified in paragraph (g) of this section, the owner or operator shall submit a request for approval in the Precompliance Report.

(v) The owner or operator shall report the intent to use alternative controls to comply with the provisions of this subpart in the Precompliance Report. The Administrator may deem alternative controls to be equivalent to the controls required by the standard, under the procedures outlined in §63.6(g).

(vi) If a request for approval to use engineering assessment to estimate emissions from a batch emissions episode, as described in §63.1323(b)(6)(i)(C) is being made, the information required by §63.1323(b)(6)(iii)(B) shall be submitted in the Precompliance Report.

(vii) If an owner or operator establishes parameter monitoring levels according to the procedures contained in §63.1334(c) or (d), the following information shall be submitted in the Precompliance Report:

(A) Identification of which procedures (i.e., §63.1334(c) or (d)) are to be used; and

(B) A description of how the parameter monitoring level is to be established. If the procedures in §63.1334(c) are to be used, a description of how performance test data will be used shall be included.

(viii) If the owner or operator is requesting approval to incorporate a provision for ceasing to collect monitoring data, during a start-up, shutdown, or malfunction, into the start-up, shutdown, and malfunction plan, when that monitoring equipment would be damaged if it did not cease to collect monitoring data, the information specified in paragraphs (e)(3)(viii)(A) and (B) shall be supplied in the Precompliance Report or in a supplement to the Precompliance Report. The Administrator shall evaluate the supporting documentation and shall approve the request only if, in the Administrator's judgment, the specific monitoring equipment would be damaged by the contemporaneous start-up, shutdown, or malfunction.

(A) Documentation supporting a claim that the monitoring equipment would be damaged by the contemporaneous start-up, shutdown, or malfunction; and

(B) A request to incorporate such a provision for ceasing to collect monitoring data during a start-up, shutdown, or malfunction, into the start-up, shutdown, and malfunction plan.

(ix) Supplements to the Precompliance Report may be submitted as specified in paragraphs (e)(3)(ix)(A) or (e)(3)(ix)(B) of this section. Unless the Administrator objects to a request submitted in a supplement to the Precompliance Report within 45 days after its receipt, the request shall be deemed approved.

(A) Supplements to the Precompliance Report may be submitted to clarify or modify information previously submitted.

(B) Supplements to the Precompliance Report may be submitted to request approval to use alternative monitoring parameters, as specified in paragraph (e)(3)(iii) of this section; to use alternative continuous monitoring and recordkeeping, as specified in paragraph (e)(3)(iv) of this section; to use alternative controls, as specified in paragraph (e)(3)(v) of this section; to use engineering assessment to estimate emissions from a batch emissions episode, as specified in paragraph (e)(3)(vi) of this section; to establish parameter monitoring levels according to the procedures contained in §63.1334(c) or (d), as specified in paragraph (e)(3)(vii) of this section; or to include a provision for ceasing to collect monitoring data during a start-up, shutdown, or malfunction, in the start-up, shutdown, and malfunction plan, when that monitoring equipment would be damaged if it did not cease to collect monitoring data, as specified in paragraph (e)(3)(viii) of this section.

(4) Emissions Averaging Plan. For all existing affected sources using emissions averaging, an Emissions Averaging Plan shall be submitted for approval according to the schedule and procedures described in paragraph (e)(4)(i) of this section. The Emissions Averaging Plan shall contain the information specified in paragraph (e)(4)(ii) of this

section, unless the information required in paragraph (e)(4)(ii) of this section is submitted with an operating permit application. An owner or operator of an affected source who submits an operating permit application instead of an Emissions Averaging Plan shall submit the information specified in paragraph (e)(8) of this section. In addition, a supplement to the Emissions Averaging Plan, as required under paragraph (e)(4)(iii) of this section, is to be submitted whenever additional alternative controls or operating scenarios may be used to comply with this subpart. Updates to the Emissions Averaging Plan shall be submitted in accordance with paragraph (e)(4)(iv) of this section.

(i) *Submittal and approval.* The Emissions Averaging Plan shall be submitted no later than September 19, 2000, and it is subject to Administrator approval. If an Emissions Averaging Plan was submitted prior to June 19, 2000 and no changes need to be made to that Emissions Averaging Plan, the owner or operator shall re-submit the earlier plan or submit notification that the previously submitted plan is still valid. The Administrator shall determine within 120 days whether the Emissions Averaging Plan submitted presents sufficient information. The Administrator shall either approve the Emissions Averaging Plan, request changes, or request that the owner or operator submit additional information. Once the Administrator receives sufficient information, the Administrator shall approve, disapprove, or request changes to the plan within 120 days.

(ii) *Information required.* The Emissions Averaging Plan shall contain the information listed in paragraphs (e)(4)(ii)(A) through (e)(4)(ii)(N) of this section for all emission points included in an emissions average.

(A) The required information shall include the identification of all emission points in the planned emissions average and, where applicable, notation of whether each storage vessel, continuous process vent, batch process vent, aggregate batch vent stream, and process wastewater stream is a Group 1 or Group 2 emission point, as defined in §63.1312 or as designated under §63.1332 (c)(3) through (c)(5).

(B) The required information shall include the projected emission debits and credits for each emission point and the sum for the emission points involved in the average calculated according to §63.1332. The projected credits shall be greater than or equal to the projected debits, as required under §63.1332(e)(3).

(C) The required information shall include the specific control technology or pollution prevention measure that will be used for each emission point included in the average and date of application or expected date of application.

(D) The required information shall include the specific identification of each emission point affected by a pollution prevention measure. To be considered a pollution prevention measure, the criteria in §63.1332(j)(1) shall be met. If the same pollution prevention measure reduces or eliminates emissions from multiple emission points in the average, the owner or operator shall identify each of these emission points.

(E) The required information shall include a statement that the compliance demonstration, monitoring, inspection, recordkeeping, and reporting provisions in §63.1332 (m), (n), and (o) that are applicable to each emission point in the emissions average will be implemented beginning on or before the date of compliance.

(F) The required information shall include documentation of the data listed in paragraphs (e)(4)(ii)(F)(*1*) through (e)(4)(ii)(F)(*5*) of this section for each storage vessel and continuous process vent subject to §63.1315 included in the average.

(*1*) The required documentation shall include the values of the parameters used to determine whether the emission point is Group 1 or Group 2. Where TRE index value is used for continuous process vent group determination, the estimated or measured values of the parameters used in the TRE equation in §63.115(d) and the resulting TRE index value shall be submitted.

(*2*) The required documentation shall include the estimated values of all parameters needed for input to the emission debit and credit calculations in §63.1332(g) and (h). These parameter values shall be specified in the affected source's Emissions Averaging Plan (or operating permit) as enforceable operating conditions. Changes to these parameters shall be reported as required by paragraph (e)(4)(iv) of this section.

(*3*) The required documentation shall include the estimated percent reduction if a control technology achieving a lower percent reduction than the efficiency of the applicable reference control technology or standard is or will be applied to the emission point.

(*4*) The required documentation shall include the anticipated nominal efficiency if a control technology achieving a greater percent emission reduction than the efficiency of the reference control technology is or will be applied to the emission point. The procedures in §63.1332(i) shall be followed to apply for a nominal efficiency, and the report specified in paragraph (e)(7)(ii) of this section shall be submitted with the Emissions Averaging Plan as specified in paragraph (e)(7)(ii)(A) of this section.

(*5*) The required documentation shall include the monitoring plan specified in §63.122(b), to include the information specified in §63.120(d)(2)(i) and in either §63.120(d)(2)(ii) or (d)(2)(iii) for each storage vessel controlled with a closed-vent system using a control device other than a flare.

(G) The information specified in paragraph (f) of this section shall be included in the Emissions Averaging Plan for:

(*1*) Each continuous process vent subject to §63.1315 controlled by a pollution prevention measure or control technique for which monitoring parameters or inspection procedures are not specified in §63.114; and

(*2*) Each storage vessel controlled by pollution prevention or a control technique other than an internal or external floating roof or a closed vent system with a control device.

(H) The required information shall include documentation of the data listed in paragraphs (e)(4)(ii)(H)(*1*) through (e)(4)(ii)(H)(*5*) of this section for each collection of continuous process vents located in a process section within the affected source subject to §63.1316 (b)(1)(i), (b)(1)(ii), (b)(2)(i), (b)(2)(ii), or (c)(1) included in the average.

(*1*) For continuous process vents subject to §63.1316(b)(1)(i), the required documentation shall include the values of the parameters used to determine whether the emission point is Group 1 or Group 2. Continuous process vents subject to §63.1316 (b)(1)(ii), (b)(2)(i), (b)(2)(ii), or (c)(1) are considered Group 1 emission points for purposes of emissions averaging, as specified in §63.1332(c)(5).

(*2*) The required documentation shall include the estimated values of all parameters needed for input to the emission debit and credit calculations in §63.1332(g) and (h). These parameter values shall be specified in the affected source's Emissions Averaging Plan (or operating permit) as enforceable operating conditions. Changes to these parameters shall be reported as required by paragraph (e)(4)(iv) of this section.

(*3*) For process sections generating debits or credits by comparing actual emissions expressed as kg HAP emissions per Mg of product to the applicable standard, the required documentation shall include the actual emission level expressed as kg HAP emissions per Mg of product.

(*4*) For process sections using combustion control devices, the required documentation shall include the estimated percent reduction if a control technology achieving a lower percent reduction than the efficiency of the applicable reference control technology or standard is or will be applied to the emission point.

(*5*) For process sections using combustion control devices, the required documentation shall include the anticipated nominal efficiency if a control technology achieving a greater percent emission reduction than the efficiency of the reference control technology is or will be applied to the emission point. The procedures in §63.1332(i) shall be followed to apply for a nominal efficiency.

(I) For each pollution prevention measure or control device used to reduce air emissions of organic HAP from each collection of continuous process vents located in a process section within the affected source subject to §63.1316 (b)(1)(i), (b)(1)(ii), (b)(2)(i), (b)(2)(ii), or (c)(1) and for which no monitoring parameters or inspection procedures are specified in §63.114, the information specified in paragraph (f) of this section, Alternative Monitoring Parameters, shall be included in the Emissions Averaging Plan.

(J) The required information shall include documentation of the data listed in paragraphs (e)(4)(ii)(J)(*1*) through (e)(4)(ii)(J)(*3*) of this section for each batch process vent and aggregate batch vent stream included in the average.

(*1*) The required documentation shall include the values of the parameters used to determine whether the emission point is Group 1 or Group 2.

(*2*) The required documentation shall include the estimated values of all parameters needed for input to the emission debit and credit calculations in §63.1332(g) and (h). These parameter values shall be specified in the affected source's Emissions Averaging Plan (or operating permit) as enforceable operating conditions. Changes to these parameters shall be reported as required by paragraph (e)(4)(iv) of this section.

(*3*) For batch process vents, the required documentation shall include the estimated percent reduction for the batch cycle. For aggregate batch vent streams, the required documentation shall include the estimated percent reduction achieved on a continuous basis.

(K) For each pollution prevention measure or control device used to reduce air emissions of organic HAP from batch process vents or aggregate batch vent streams and for which no monitoring parameters or inspection procedures are specified in §63.1324, the information specified in paragraph (f) of this section, Alternative Monitoring Parameters, shall be included in the Emissions Averaging Plan.

(L) The required information shall include documentation of the data listed in paragraphs (e)(4)(ii)(L)(*1*) through (e)(4)(ii)(L)(*4*) of this section for each process wastewater stream included in the average.

(*1*) The required documentation shall include the data used to determine whether the wastewater stream is a Group 1 or Group 2 wastewater stream.

(*2*) The required documentation shall include the estimated values of all parameters needed for input to the wastewater emission credit and debit calculations in §63.1332(g) and (h). These parameter values shall be specified in the affected source's Emissions Averaging Plan (or operating permit) as enforceable operating conditions. Changes to these parameters shall be reported as required by paragraph (e)(4)(iv) of this section.

(*3*) The required documentation shall include the estimated percent reduction if:

(*i*) A control technology that achieves an emission reduction less than or equal to the emission reduction that would otherwise have been achieved by a steam stripper designed to the specifications found in §63.138(g) is or will be applied to the wastewater stream;

(*ii*) A control technology achieving less than or equal to 95 percent emission reduction is or will be applied to the vapor stream(s) vented and collected from the treatment processes; or

(*iii*) A pollution prevention measure is or will be applied.

(*4*) The required documentation shall include the anticipated nominal efficiency if the owner or operator plans to apply for a nominal efficiency under §63.1332(i). A nominal efficiency shall be applied for if:

(*i*) A control technology that achieves an emission reduction greater than the emission reduction that would have been achieved by a steam stripper designed to the specifications found in §63.138(g), is or will be applied to the wastewater stream; or

(*ii*) A control technology achieving greater than 95 percent emission reduction is or will be applied to the vapor stream(s) vented and collected from the treatment processes.

(M) For each pollution prevention measure, treatment process, or control device used to reduce air emissions of organic HAP from wastewater and for which no monitoring parameters or inspection procedures are specified in §63.143, the information specified in paragraph (f) of this section, Alternative Monitoring Parameters, shall be included in the Emissions Averaging Plan.

(N) The required information shall include documentation of the data required by §63.1332(k). The documentation shall demonstrate that the emissions from the emission points proposed to be included in the average will not result in greater hazard or, at the option of the Administrator, greater risk to human health or the environment than if the emission points were not included in an emissions average.

(iii) *Supplement to Emissions Averaging Plan.* The owner or operator required to prepare an Emissions Averaging Plan under paragraph (e)(4) of this section shall also prepare a supplement to the Emissions Averaging Plan for any additional alternative controls or operating scenarios that may be used to achieve compliance.

(iv) *Updates to Emissions Averaging Plan.* The owner or operator of an affected source required to submit an Emissions Averaging Plan under paragraph (e)(4) of this section shall also submit written updates of the Emissions Averaging Plan to the Administrator for approval under the circumstances described in paragraphs (e)(4)(iv)(A) through (e)(4)(iv)(C) of this section unless the relevant information has been included and submitted in an operating permit application or amendment.

(A) The owner or operator who plans to make a change listed in either paragraph (e)(4)(iv)(A)(*1*) or (e)(4)(iv)(A)(*2*) of this section shall submit an Emissions Averaging Plan update at least 120 days prior to making the change.

(*1*) An Emissions Averaging Plan update shall be submitted whenever an owner or operator elects to achieve compliance with the emissions averaging provisions in §63.1332 by using a control technique other than that specified in the Emissions Averaging Plan or plans to monitor a different parameter or operate a control device in a manner other than that specified in the Emissions Averaging Plan.

(*2*) An Emissions Averaging Plan update shall be submitted whenever an emission point or a TPPU is added to an existing affected source and is planned to be included in an emissions average, or whenever an emission point not included in the emissions average described in the Emissions Averaging Plan is to be added to an emissions average. The information in paragraph (e)(4) of this section shall be updated to include the additional emission point.

(B) The owner or operator who has made a change as defined in paragraph (e)(4)(iv)(B)(*1*) or (e)(4)(iv)(B)(*2*) of this section shall submit an Emissions Averaging Plan update within 90 days after the information regarding the change is known to the affected source. The update may be submitted in the next quarterly periodic report if the change is made after the date the Notification of Compliance Status is due.

(*1*) An Emissions Averaging Plan update shall be submitted whenever a process change is made such that the group status of any emission point in an emissions average changes.

(*2*) An Emissions Averaging Plan update shall be submitted whenever a value of a parameter in the emission credit or debit equations in §63.1332 (g) or (h) changes such that it is below the minimum or above the maximum established level specified in the Emissions Averaging Plan and causes a decrease in the projected credits or an increase in the projected debits.

(C) The Administrator shall approve or request changes to the Emissions Averaging Plan update within 120 days of receipt of sufficient information regarding the change for emission points included in emissions averages.

(5) *Notification of Compliance Status.* For existing and new affected sources, a Notification of Compliance Status shall be submitted. For equipment leaks subject to §63.1331, the owner or operator shall submit the information required in §63.182(c) in the Notification of Compliance Status within 150 days after the first applicable compliance date for equipment leaks in the affected source, and an update shall be provided in the first Periodic Report that is due at least 150 days after each subsequent applicable compliance date for equipment leaks in the affected source. For all other emission points, including heat exchange systems, the Notification of Compliance Status shall contain the information listed in paragraphs (e)(5)(i) through (e)(5)(xi) of this section, as applicable, and shall be submitted no later than 150 days after the compliance dates specified in this subpart.

(i) The results of any emission point group determinations, process section applicability determinations, performance tests, inspections, any other information used to demonstrate compliance, values of monitored parameters established during performance tests, and any other information required to be included in the Notification of Compliance Status under §§63.1311(m), 63.122, and 63.1314 for storage vessels, §63.117 for continuous process vents, §63.146 for process wastewater, §§63.1316 through 63.1320 for continuous process vents subject to §63.1316, §63.1327 for batch process vents, §63.1329 for process contact cooling towers, and §63.1332 for emission points included in an emissions average. In addition, the owner or operator of an affected source shall comply with paragraphs (e)(5)(i)(A) and (e)(5)(i)(B) of this section.

(A) For performance tests, group determinations, and process section applicability determinations that are based on measurements, the Notification of Compliance Status shall include one complete test report, as described in paragraph (e)(5)(i)(B) of this section, for each test method used for a particular kind of emission point. For additional tests performed for the same kind of emission point using the same method, the results and any other information, from the test report, that is requested on a case-by-case basis by the Administrator shall be submitted, but a complete test report is not required.

(B) A complete test report shall include a brief process description, sampling site description, description of sampling and analysis procedures and any modifications to standard procedures, quality assurance procedures, record of operating conditions during the test, record of preparation of standards, record of calibrations, raw data sheets for field sampling, raw data sheets for field and laboratory analyses, documentation of calculations, and any other information required by the test method.

(ii) For each monitored parameter for which a maximum or minimum level is required to be established under §63.114(e) for continuous process vents, §63.1324 for batch process vents and aggregate batch vent streams, §63.143(f) for process wastewater, §63.1332(m) for emission points in emissions averages, paragraph (e)(8) of this section, or paragraph (f) of this section, the Notification of Compliance Status shall contain the information specified in paragraphs (e)(5)(ii)(A) through (e)(5)(ii)(D) of this section, unless this information has been established and provided in the operating permit application. Further, as described in §63.1314(a)(9), for those storage vessels for which the monitoring plan required by §63.1314(a)(9) specifies compliance with the provisions of §63.1334, the owner or operator shall provide the information specified in paragraphs (e)(5)(ii)(A) through (e)(5)(ii)(D) of this section for each monitored parameter, unless this information has been established and provided in the operating permit application. For those storage vessels for which the monitoring plan required by §63.1314(a)(9) does not require compliance with the provisions of §63.1334, the owner or operator shall provide the information specified in §63.120(d)(3) as part of the Notification of Compliance Status, unless this information has been established and provided in the operating permit application.

(A) The required information shall include the specific maximum or minimum level of the monitored parameter(s) for each emission point.

(B) The required information shall include the rationale for the specific maximum or minimum level for each parameter for each emission point, including any data and calculations used to develop the level and a description of why the level indicates proper operation of the control device.

(C) The required information shall include a definition of the affected source's operating day, as specified in paragraph (d)(3)(ii) of this section, for purposes of determining daily average values or batch cycle daily average values of monitored parameters.

(D) For batch process vents, the required information shall include a definition of each batch cycle that requires the control of one or more batch emission episodes during the cycle, as specified in §63.1325(c)(2) and §63.1334(b)(3)(iii).

(iii) For emission points included in an emissions average, the Notification of Compliance Status shall contain the values of all parameters needed for input to the emission credit and debit equations in §63.1332 (g) and (h), calculated or measured according to the procedures in §63.1332 (g) and (h), and the resulting calculation of credits and debits for the first quarter of the year. The first quarter begins on the compliance date specified.

(iv) The determination of applicability for flexible operation units as specified in §63.1310(f).

(v) The parameter monitoring levels for flexible operation units, and the basis on which these levels were selected, or a demonstration that these levels are appropriate at all times, as specified in §63.1310(f)(7).

(vi) The results for each predominant use determination made under §63.1310(g), for storage vessels assigned to an affected source subject to this subpart.

(vii) The results for each predominant use determination made under §63.1310(h), for recovery operations equipment assigned to an affected source subject to this subpart.

(viii) For owners or operators of Group 2 batch process vents establishing a batch mass input limitation as specified in §63.1325(g), the affected source's operating year for purposes of determining compliance with the batch mass input limitation.

(ix) If any emission point is subject to this subpart and to other standards as specified in §63.1311, and if the provisions of §63.1311 allow the owner or operator to choose which testing, monitoring, reporting, and recordkeeping provisions will be followed, then the Notification of Compliance Status shall indicate which rule's requirements will be followed for testing, monitoring, reporting, and recordkeeping.

(x) An owner or operator who transfers a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream for treatment pursuant to §63.132(g) shall include in the Notification of Compliance Status the name and location of the transferee and a description of the Group 1 wastewater stream or residual sent to the treatment facility.

(xi) An owner or operator complying with paragraph (h)(1) of this section shall notify the Administrator of the election to comply with paragraph (h)(1) of this section as part of the Notification of Compliance Status or as part of the appropriate Periodic Report as specified in paragraph (e)(6)(ix) of this section.

(6) *Periodic Reports.* For existing and new affected sources, the owner or operator shall submit Periodic Reports as specified in paragraphs (e)(6)(i) through (e)(6)(xi) of this section. In addition, for equipment leaks subject to §63.1331, the owner or operator shall submit the information specified in §63.182(d) under the conditions listed in §63.182(d), and for heat exchange systems subject to §63.1328, the owner or operator shall submit the information specified in §63.104(f)(2) as part of the Periodic Report required by this paragraph (e)(6). Section 63.1334 shall govern the use of monitoring data to determine compliance for Group 1 emissions points and for Group 1 and Group 2 emission points included in emissions averages with the following exception: As discussed in §63.1314(a)(9), for storage vessels to which the provisions of §63.1334 do not apply, as specified in the monitoring plan required by §63.120(d)(2), the owner or operator is required to comply with the requirements set out in the monitoring plan, and monitoring records may be used to determine compliance.

(i) Except as specified in paragraphs (e)(6)(xi) and (e)(6)(xii) of this section, a report containing the information in paragraph (e)(6)(ii) of this section or containing the information in paragraphs (e)(6)(iii) through (e)(6)(x) of this section, as appropriate, shall be submitted semiannually no later than 60 days after the end of each 6-month period. The first report shall be submitted no later than 240 days after the date the Notification of Compliance Status is due and shall cover the 6-month period beginning on the date the Notification of Compliance Status is due.

(ii) If none of the compliance exceptions specified in paragraphs (e)(6)(iii) through (e)(6)(ix) of this section occurred during the 6-month period, the Periodic Report required by paragraph (e)(6)(i) of this section shall be a statement that there were no compliance exceptions as described in this paragraph for the 6-month period covered by that report and no activities specified in paragraphs (e)(6)(iii) through (e)(6)(ix) of this section occurred during the 6-month period covered by that report.

(iii) For an owner or operator of an affected source complying with the provisions of §§63.1314 through 63.1330 for any emission point or process section, Periodic Reports shall include:

(A) All information specified in §63.122 for storage vessels; §§63.117 and 63.118 and §63.1320 for continuous process vents, as applicable; §63.1327 for batch process vents and aggregate batch vent streams; §63.104 for heat exchange systems; and §63.146 for process wastewater;

(B) The daily average values or batch cycle daily average values of monitored parameters for both excused excursions, as defined in §63.1334(g), and unexcused excursions, as defined in §63.1334(f). For excursions caused by lack of monitoring data, the start-time and duration of periods when monitoring data were not collected shall be specified.

(C) [Reserved]

(D) The information in paragraphs (e)(6)(iii)(D)(*1*) through (e)(6)(iii)(D)(*4*) of this section, as applicable:

(*1*) Any supplements to the Emissions Averaging Plan, as required in paragraph (e)(4)(iii) of this section;

(*2*) Notification if a process change is made such that the group status of any emission point changes from Group 2 to Group 1. The owner or operator is not required to submit a notification of a process change if that process change caused the group status of an emission point to change from Group 1 to Group 2. However, until the owner or operator notifies the Administrator that the group status of an emission point has changed from Group 1 to Group 2, the owner or operator is required to continue to comply with the Group 1 requirements for that emission point. This notification may be submitted at any time.

(*3*) Notification if one or more emission point(s) (other than equipment leaks) or one or more TPPU is added to an affected source. The owner or operator shall submit the information contained in paragraphs (e)(6)(iii)(D)(*3*)(*i*) through (e)(6)(iii)(D)(*3*)(*ii*) of this section:

(*i*) A description of the addition to the affected source; and

(*ii*) Notification of the group status of the additional emission point or all emission points in the TPPU.

(*4*) For process wastewater streams sent for treatment pursuant to §63.132(g), reports of changes in the identity of the treatment facility or transferee.

(E) The information in paragraph (b)(1)(ii) of this section for reports of start-up, shutdown, and malfunction.

(iv) For each batch process vent with a batch mass input limitation, every second Periodic Report shall include the mass of HAP or material input to the batch unit operation during the 12-month period covered by the preceding and current Periodic Reports, and a statement of whether the batch process vent was in or out of compliance with the batch mass input limitation.

(v) If any performance tests are reported in a Periodic Report, the following information shall be included:

(A) One complete test report shall be submitted for each test method used for a particular kind of emission point tested. A complete test report shall contain the information specified in paragraph (e)(5)(i)(B) of this section.

(B) For additional tests performed for the same kind of emission point using the same method, results and any other information, pertaining to the performance test, that is requested on a case-by-case basis by the Administrator shall be submitted, but a complete test report is not required.

(vi) Notification of a change in the primary product of a TPPU, in accordance with the provisions in §63.1310(f). This includes a change in primary product from one thermoplastic product to either another thermoplastic product or to a non-thermoplastic product.

(vii) The results for each change made to a predominant use determination made under §63.1310(g) for a storage vessel that is assigned to an affected source subject to this subpart after the change.

(viii) The Periodic Report shall include the results for each change made to a predominant use determination made under §63.1310(h) for recovery operations equipment assigned to an affected source subject to this subpart after the change.

(ix) An owner or operator complying with paragraph (h)(1) of this section shall notify the Administrator of the election to comply with paragraph (h)(1) of this section as part of the Periodic Report or as part of the Notification of Compliance Status as specified in paragraph (e)(5)(xi) of this section.

(x) An owner or operator electing not to retain daily average or batch cycle daily average values under paragraph (h)(2) of this section shall notify the Administrator as specified in paragraph (h)(2)(i) of this section.

(xi) The owner or operator of an affected source shall submit quarterly reports for all emission points included in an emissions average as specified in paragraphs (e)(6)(xi)(A) through (e)(6)(xi)(C) of this section.

(A) The quarterly reports shall be submitted no later than 60 days after the end of each quarter. The first report shall be submitted with the Notification of Compliance Status no later than 150 days after the compliance date.

(B) The quarterly reports shall include the information specified in paragraphs (e)(6)(xi)(B)(*1*) through (e)(6)(xi)(B)(*7*) of this section for all emission points included in an emissions average.

(*1*) The credits and debits calculated each month during the quarter;

(*2*) A demonstration that debits calculated for the quarter are not more than 1.30 times the credits calculated for the quarter, as required under §63.1332(e)(4);

(*3*) The values of any inputs to the debit and credit equations in §63.1332(g) and (h) that change from month to month during the quarter or that have changed since the previous quarter;

(*4*) Results of any performance tests conducted during the reporting period including one complete report for each test method used for a particular kind of emission point as described in paragraph (e)(6)(v) of this section;

(*5*) Reports of daily average (or batch cycle daily average) values of monitored parameters for excursions as defined in §63.1334(f);

(*6*) For excursions caused by lack of monitoring data, the duration of periods when monitoring data were not collected shall be specified; and

(*7*) Any other information the affected source is required to report under the operating permit or Emissions Averaging Plan for the affected source.

(C) Every fourth quarterly report shall include the following:

(*1*) A demonstration that annual credits are greater than or equal to annual debits as required by §63.1332(e)(3); and

(*2*) A certification of compliance with all the emissions averaging provisions in §63.1332.

(xii) The owner or operator of an affected source shall submit quarterly reports for particular emission points and process sections not included in an emissions average as specified in paragraphs (e)(6)(xii)(A) through (e)(6)(xii)(D) of this section.

(A) The owner or operator of an affected source shall submit quarterly reports for a period of 1 year for an emission point or process section that is not included in an emissions average if:

(*1*) A control or recovery device for a particular emission point or process section has more excursions, as defined in §63.1334(f), than the number of excused excursions allowed under §63.1334(g) for a semiannual reporting period; or

(*2*) The Administrator requests that the owner or operator submit quarterly reports for the emission point or process section.

(B) The quarterly reports shall include all information specified in paragraphs (e)(6)(iii) through (e)(6)(ix) of this section applicable to the emission point or process section for which quarterly reporting is required under paragraph (e)(6)(xii)(A) of this section. Information applicable to other emission points within the affected source shall be submitted in the semiannual reports required under paragraph (e)(6)(i) of this section.

(C) Quarterly reports shall be submitted no later than 60 days after the end of each quarter.

(D) After quarterly reports have been submitted for an emission point for 1 year without more excursions occurring (during that year) than the number of excused excursions allowed under §63.1334(g), the owner or operator may return to semiannual reporting for the emission point or process section.

(7) *Other reports.* Other reports shall be submitted as specified in paragraphs (e)(7)(i) through (e)(7)(iv) of this section.

(i) For storage vessels, the notifications of inspections required by §63.1314 shall be submitted as specified in §63.122 (h)(1) and (h)(2).

(ii) For owners or operators of affected sources required to request approval for a nominal control efficiency for use in calculating credits for an emissions average, the information specified in §63.1332(i) shall be submitted as specified in paragraph (e)(7)(ii)(A) or (B) of this section, as appropriate.

(A) If use of a nominal control efficiency is part of the initial Emissions Averaging Plan described in paragraph (e)(4)(ii) of this section, the information shall be submitted with the Emissions Averaging Plan.

(B) If an owner or operator elects to use a nominal control efficiency after submittal of the initial Emissions Averaging Plan as described in paragraph (e)(4)(ii) of this section, the information shall be submitted at the discretion of the owner or operator.

(iii) When the conditions of §§63.1310(f)(3)(iii), 63.1310(f)(9), or 63.1310(f)(10)(iii) are met, reports of changes to the primary product for a TPPU or process unit as required by §§63.1310(f)(3)(iii), 63.1310(f)(9), or 63.1310(f)(10)(iii)(C), respectively, shall be submitted.

(iv) Owners or operators of TPPU or emission points (other than equipment leak components subject to §63.1331) that are subject to §63.1310(i)(1) or (i)(2) shall submit a report as specified in paragraphs (e)(7)(iv)(A) and (B) of this section.

(A) Reports shall include:

(*1*) A description of the process change or addition, as appropriate;

(*2*) The planned start-up date and the appropriate compliance date, according to §63.1310(i)(1) or (2); and

(*3*) Identification of the group status of emission points (except equipment leak components subject to §63.1331) specified in paragraphs (e)(7)(iv)(A)(*3*)(*i*) through (e)(7)(iv)(A)(*3*)(*iii*) of this section, as applicable.

(*i*) All the emission points in the added TPPU as described in §63.1310(i)(1).

(*ii*) All the emission points in an affected source designated as a new affected source under §63.1310(i)(2)(i).

(*iii*) All the added or created emission points as described in §63.1310(i)(2)(ii) or (i)(2)(iii).

(*4*) If the owner or operator wishes to request approval to use alternative monitoring parameters, alternative continuous monitoring or recordkeeping, alternative controls, engineering assessment to estimate emissions from a batch emissions episode, or wishes to establish parameter monitoring levels according to the procedures contained in §63.1334(c) or (d), a Precompliance Report shall be submitted in accordance with paragraph (e)(7)(iv)(B) of this section.

(B) Reports shall be submitted as specified in paragraphs (e)(7)(iv)(B)(*1*) through (e)(7)(iv)(B)(*3*) of this section, as appropriate.

(*1*) Owners or operators of an added TPPU subject to §63.1310(i)(1) shall submit a report no later than 180 days prior to the compliance date for the TPPU.

(*2*) Owners or operators of an affected source designated as a new affected source under §63.1310(i)(2)(i) shall submit a report no later than 180 days prior to the compliance date for the affected source.

(*3*) Owners or operators of any emission point (other than equipment leak components subject to §63.1331) subject to §63.1310(i)(2)(ii) or (i)(2)(iii) shall submit a report no later than 180 days prior to the compliance date for those emission points.

(8) *Operating permit application.* An owner or operator who submits an operating permit application instead of an Emissions Averaging Plan or a Precompliance Report shall include the following information with the operating permit application:

(i) The information specified in paragraph (e)(4) of this section for points included in an emissions average; and

(ii) The information specified in paragraph (e)(3) of this section, Precompliance Report, as applicable.

(f) *Alternative monitoring parameters.* The owner or operator who has been directed by any section of this subpart or any section of another subpart referenced by this subpart, that expressly referenced this paragraph (f) to set unique monitoring parameters, or who requests approval to monitor a different parameter than those specified in §63.1314 for storage vessels, §63.1315 or §63.1317, as appropriate, for continuous process vents, §63.1321 for batch process vents and aggregate batch vent streams, or §63.1330 for process wastewater shall submit the information specified in paragraphs (f)(1) through (f)(3) of this section in the Precompliance Report, as required by paragraph (e)(3) of this section. The owner or operator shall retain for a period of 5 years each record required by paragraphs (f)(1) through (f)(3) of this section.

(1) The required information shall include a description of the parameter(s) to be monitored to ensure the recovery device, control device, or pollution prevention measure is operated in conformance with its design and achieves the specified emission limit, percent reduction, or nominal efficiency, and an explanation of the criteria used to select the parameter(s).

(2) The required information shall include a description of the methods and procedures that will be used to demonstrate that the parameter indicates proper operation, the schedule for this demonstration, and a statement that the owner or operator will establish a level for the monitored parameter as part of the Notification of Compliance Status report required in paragraph (e)(5) of this section, unless this information has already been included in the operating permit application.

(3) The required information shall include a description of the proposed monitoring, recordkeeping, and reporting system, to include the frequency and content of monitoring, recordkeeping, and reporting. Further, the rationale for the proposed monitoring, recordkeeping, and reporting system shall be included if either condition in paragraph (f)(3)(i) or (f)(3)(ii) of this section is met:

(i) If monitoring and recordkeeping is not continuous; or

(ii) If reports of daily average values will not be included in Periodic Reports when the monitored parameter value is above the maximum level or below the minimum level as established in the operating permit or the Notification of Compliance Status.

(g) *Alternative continuous monitoring and recordkeeping.* An owner or operator choosing not to implement the provisions listed in §63.1315 or §63.1317, as appropriate, for continuous process vents, §63.1321 for batch process vents and aggregate batch vent streams, or §63.1330 for process wastewater, may instead request approval to use alternative continuous monitoring and recordkeeping provisions according to the procedures specified in paragraphs (g)(1) through (g)(4) of this section. Requests shall be submitted in the Precompliance Report as specified in paragraph (e)(3)(iv) of this section, if not already included in the operating permit application, and shall contain the information specified in paragraphs (g)(2)(ii) and (g)(3)(ii) of this section, as applicable.

(1) The provisions in §63.8(f)(5)(i) shall govern the review and approval of requests.

(2) An owner or operator of an affected source that does not have an automated monitoring and recording system capable of measuring parameter values at least once every 15 minutes and that does not generate continuous records may request approval to use a nonautomated system with less frequent monitoring, in accordance with paragraphs (g)(2)(i) and (g)(2)(ii) of this section.

(i) The requested system shall include manual reading and recording of the value of the relevant operating parameter no less frequently than once per hour. Daily average (or batch cycle daily average) values shall be calculated from these hourly values and recorded.

(ii) The request shall contain:

(A) A description of the planned monitoring and recordkeeping system;

(B) Documentation that the affected source does not have an automated monitoring and recording system;

(C) Justification for requesting an alternative monitoring and recordkeeping system; and

(D) Demonstration to the Administrator's satisfaction that the proposed monitoring frequency is sufficient to represent control or recovery device operating conditions, considering typical variability of the specific process and control or recovery device operating parameter being monitored.

(3) An owner or operator may request approval to use an automated data compression recording system that does not record monitored operating parameter values at a set frequency, but records all values that meet set criteria for variation from previously recorded values, in accordance with paragraphs (g)(3)(i) and (g)(3)(ii) of this section.

(i) The requested system shall be designed to:

(A) Measure the operating parameter value at least once during every 15 minute period;

(B) Except for the monitoring of batch process vents, calculate hourly average values each hour during periods of operation;

(C) Record the date and time when monitors are turned off or on;

(D) Recognize unchanging data that may indicate the monitor is not functioning properly, alert the operator, and record the incident;

(E) Calculate daily average (or batch cycle daily average) values of the monitored operating parameter based on all measured data; and

(F) If the daily average is not an excursion, as defined in §63.1334(f), the data for that operating day may be converted to hourly average values and the four or more individual records for each hour in the operating day may be discarded.

(ii) The request shall contain:

(A) A description of the monitoring system and data compression recording system, including the criteria used to determine which monitored values are recorded and retained;

(B) The method for calculating daily averages and batch cycle daily averages; and

(C) A demonstration that the system meets all criteria in paragraph (g)(3)(i) of this section.

(4) An owner or operator may request approval to use other alternative monitoring systems according to the procedures specified in §63.8(f)(4).

(h) *Reduced recordkeeping program.* For any parameter with respect to any item of equipment, the owner or operator may implement the recordkeeping requirements specified in paragraph (h)(1) or (h)(2) of this section as alternatives to the continuous operating parameter monitoring and recordkeeping provisions that would otherwise apply under this subpart. The owner or operator shall retain for a period of 5 years each record required by paragraph (h)(1) or (h)(2) of this section, except as otherwise provided in paragraph (h)(1)(vi)(D) of this section.

(1) The owner or operator may retain only the daily average (or batch cycle daily average) value, and is not required to retain more frequent monitored operating parameter values, for a monitored parameter with respect to an item of equipment, if the requirements of paragraphs (h)(1)(i) through (h)(1)(vi) of this section are met. An owner or operator electing to comply with the requirements of paragraph (h)(1) of this section shall notify the Administrator in the Notification of Compliance Status as specified in paragraph (e)(5)(xi) of this section or, if the Notification of Compliance Status has already been submitted, in the Periodic Report immediately preceding implementation of the requirements of paragraph (h)(1) of this section as specified in paragraph (e)(6)(ix) of this section.

(i) The monitoring system is capable of detecting unrealistic or impossible data during periods of operation other than start-ups, shutdowns, or malfunctions (e.g., a temperature reading of −200 °C on a boiler), and will alert the operator by alarm or other means. The owner or operator shall record the occurrence. All instances of the alarm or other alert in an operating day constitute a single occurrence.

(ii) The monitoring system generates, updated at least hourly throughout each operating day, a running average of the monitoring values that have been obtained during that operating day, and the capability to observe this running average is readily available to the Administrator on-site during the operating day. The owner or operator shall record the occurrence of any period meeting the criteria in paragraphs (h)(1)(ii)(A) through (h)(1)(ii)(C) of this section. All instances in an operating day constitute a single occurrence.

(A) The running average is above the maximum or below the minimum established limits;

(B) The running average is based on at least six 1-hour average values; and

(C) The running average reflects a period of operation other than a start-up, shutdown, or malfunction.

(iii) The monitoring system is capable of detecting unchanging data during periods of operation other than start-ups, shutdowns, or malfunctions, except in circumstances where the presence of unchanging data is the expected operating condition based on past experience (e.g., pH in some scrubbers), and will alert the operator by alarm or other means. The owner or operator shall record the occurrence. All instances of the alarm or other alert in an operating day constitute a single occurrence.

(iv) The monitoring system will alert the owner or operator by an alarm or other means, if the running average parameter value calculated under paragraph (h)(1)(ii) of this section reaches a set point that is appropriately related to the established limit for the parameter that is being monitored.

(v) The owner or operator shall verify the proper functioning of the monitoring system, including its ability to comply with the requirements of paragraph (h)(1) of this section, at the times specified in paragraphs (h)(1)(v)(A) through (h)(1)(v)(C). The owner or operator shall document that the required verifications occurred.

(A) Upon initial installation.

(B) Annually after initial installation.

(C) After any change to the programming or equipment constituting the monitoring system, which might reasonably be expected to alter the monitoring system's ability to comply with the requirements of this section.

(vi) The owner or operator shall retain the records identified in paragraphs (h)(1)(vi)(A) through (h)(1)(vi)(D) of this section.

(A) Identification of each parameter, for each item of equipment, for which the owner or operator has elected to comply with the requirements of paragraph (h) of this section.

(B) A description of the applicable monitoring system(s), and of how compliance will be achieved with each requirement of paragraphs (h)(1)(i) through (h)(1)(v) of this section. The description shall identify the location and format (e.g., on-line storage, log entries) for each required record. If the description changes, the owner or operator shall retain both the current and the most recent superseded description, as provided in paragraph (a) of this section, except as provided in paragraph (h)(1)(vi)(D) of this section.

(C) A description, and the date, of any change to the monitoring system that would reasonably be expected to impair its ability to comply with the requirements of paragraph (h)(1) of this section.

(D) Owners and operators subject to paragraph (h)(1)(vi)(B) of this section shall retain the current description of the monitoring system as long as the description is current. The current description shall, at all times, be retained on-site or be accessible from a central location by computer or other means that provides access within 2 hours after a request. The owner or operator shall retain all superseded descriptions for at least 5 years after the date of their creation. Superseded descriptions shall be retained on-site (or accessible from a central location by computer or other means that provides access within 2 hours after a request) for at least 6 months after their creation. Thereafter, superseded descriptions may be stored off-site.

(2) If an owner or operator has elected to implement the requirements of paragraph (h)(1) of this section for a monitored parameter with respect to an item of equipment and a period of 6 consecutive months has passed without an excursion as defined in paragraph (h)(2)(iv) of this section, the owner or operator is no longer required to record the daily average (or batch cycle daily average) value for any operating day when the daily average (or batch cycle daily average) value is less than the maximum or greater than the minimum established limit. With approval by the Administrator, monitoring data generated prior to the compliance date of this subpart shall be credited toward the period of 6 consecutive months, if the parameter limit and the monitoring accomplished during the period prior to the compliance date was required and/or approved by the Administrator.

(i) If the owner or operator elects not to retain the daily average (or batch cycle daily average) values, the owner or operator shall notify the Administrator in the next Periodic Report as specified in paragraph (e)(6)(x) of this section. The notification shall identify the parameter and unit of equipment.

(ii) If, on any operating day after the owner or operator has ceased recording daily average (or batch cycle daily average) values as provided in paragraph (h)(2) of this section, there is an excursion as defined in paragraph (h)(2)(iv) of this section, the owner or operator shall immediately resume retaining the daily average (or batch cycle daily average) value for each operating day and shall notify the Administrator in the next Periodic Report. The owner or operator shall continue to retain each daily average (or batch cycle daily average) value until another period of 6 consecutive months has passed without an excursion as defined in paragraph (h)(2)(iv) of this section.

(iii) The owner or operator shall retain the records specified in paragraphs (h)(1)(i) through (h)(1)(iii) of this section, for the duration specified in paragraph (h) of this section. For any calendar week, if compliance with paragraphs (h)(1)(i) through (h)(1)(iv) of this section does not result in retention of a record of at least one occurrence or measured parameter value, the owner or operator shall record and retain at least one parameter value during a period of operation other than a start-up, shutdown, or malfunction.

(iv) For purposes of paragraph (h) of this section, an excursion means that the daily average (or batch cycle daily average) value of monitoring data for a parameter is greater than the maximum, or less than the minimum established value, except as provided in paragraphs (h)(2)(iv)(A) and (h)(2)(iv)(B) of this section.

(A) The daily average or (batch cycle daily average) value during any startup, shutdown, or malfunction shall not be considered an excursion for purposes of paragraph (h)(2) of this section, if the owner or operator follows the applicable provisions of §63.6(e)(1).

(B) An excused excursion, as described in §63.1334(g), shall not be considered an excursion for purposes of paragraph (h)(2) of this section.

[61 FR 48229, Sept. 12, 1996, as amended at 64 FR 11553, Mar. 9, 1999; 65 FR 38131, June 19, 2000; 66 FR 36939, July 16, 2001; 71 FR 20460, Apr. 20, 2006]

ATTACHMENT B

CERTIFICATION OF DATA ACCURACY

This Certification of Data Accuracy shall be signed below by a Responsible Official or an Authorized Representative. A Responsible Official is a President, Vice President, Secretary, Treasurer, General Partner, General Manager; a member of a Board of Directors or Owner, depending on business structure. An Authorized Representative may be certified through an official agreement submitted with the General Permit *Registration Application*. Any improperly signed or unsigned Certification of Data Accuracy shall constitute a violation of the terms and conditions of this General Permit.

I, the undersigned, hereby certify that all information contained in **ATTACHMENT ___**, *representing the period beginning* _____ *and ending* _____ *and any supporting documents appended hereto is true, accurate and complete based on information and belief after reasonable inquiry.*

Signature _____ _____
(please use blue ink) Responsible Official Date

Name & Title _____ _____
(please print or type)

Signature _____ _____
(please use blue ink) Authorized Representative (if applicable) Date

Name & Title _____ _____
(please print or type)

Registrant's Name _____

Registrant's Telephone & Fax Numbers _____ _____

Attachment C
45CSR21 and 45CSR27 Source List

Emission Point ID	Emission Source ID	Source Description	Control Device ID	Service (VOC/HAP/TAP)	Affected R13 Permit	Included in Original R21	Currently Subject to R21 (>6pph)	Currently Subject to R27	Other Applicable Regulations - Citation -
Tank Farm									
009-0Q 009-0V	TF1	Acrylonitrile Storage Tanks (AN4)	Floating Roof	(VOC/HAP/TAP)	R13-1886C	Yes	Yes	Yes	40CFR63, Subpart JJJ
009-OS	TF7	Barge Unloading	None	(VOC/HAP/TAP)	R13-1886C	Yes	Yes	Yes	40CFR63, Subpart JJJ
009-OY	TF7	Railcar Unloading	None	(VOC/HAP/TAP)	R13-1886C	No	Yes	Yes	40CFR63, Subpart JJJ
None	None	BD Sphere Maintenance	None	(VOC/HAP/TAP)	R13-1886C	Yes	Yes	Yes	40CFR63, Subpart JJJ

ATTACHMENT D

"Record of Back-up Generator Operations"

SABIC Innovative Plastics – Washington, WV

Year _____			
	- EG1 -		
Month	Total Hours of Operation (hours)	Cumulative 12-Month Rolling Total* (hours)	Maintenance/Repair Activity
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			
Maximum Permitted 12-month Rolling Total*		500 hours	

* - A twelve month rolling total shall mean the sum of the amount of hours operated at any given time during the previous twelve (12) consecutive calendar months.

The Certification of Data Accuracy statement on the reverse side of this form must be completed and signed by a Responsible Official or Authorized representative after the end of the calendar month. This certified records shall be maintained on-site for a period of five (5) years and be made available to the Chief or his or her representative upon request.

ATTACHMENT E

Subpart EEEE—National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)

(Applicable Requirements)

What This Subpart Covers

§ 63.2330 What is the purpose of this subpart?

This subpart establishes national emission limitations, operating limits, and work practice standards for organic hazardous air pollutants (HAP) emitted from organic liquids distribution (OLD) (non-gasoline) operations at major sources of HAP emissions. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations, operating limits, and work practice standards.

§ 63.2334 Am I subject to this subpart?

(a) Except as provided for in paragraphs (b) and (c) of this section, you are subject to this subpart if you own or operate an OLD operation that is located at, or is part of, a major source of HAP emissions. An OLD operation may occupy an entire plant site or be collocated with other industrial (*e.g.*, manufacturing) operations at the same plant site.

§ 63.2338 What parts of my plant does this subpart cover?

(a) This subpart applies to each new, reconstructed, or existing OLD operation affected source.

(b) Except as provided in paragraph (c) of this section, the affected source is the collection of activities and equipment used to distribute organic liquids into, out of, or within a facility that is a major source of HAP. The affected source is composed of:

(1) All storage tanks storing organic liquids.

(2) All transfer racks at which organic liquids are loaded into or unloaded out of transport vehicles and/or containers.

(3) All equipment leak components in organic liquids service that are associated with pipelines, except as provided in paragraph (c)(2) of this section, and with storage tanks and transfer racks storing, loading, or unloading organic liquids.

(4) All transport vehicles while they are loading or unloading organic liquids at transfer racks.

(c) The equipment listed in paragraphs (c)(1) through (4) of this section and used in the identified operations is excluded from the affected source.

(1) Storage tanks, transfer racks, and equipment leak components that are part of an affected source under another 40 CFR part 63 national emission standards for hazardous air pollutants regulation (NESHAP).

(2) Equipment leak components associated with pipelines that transfer organic liquids directly to or from storage tanks subject to another 40 CFR part 63 NESHAP or to or from non-tank process unit components (*e.g.*, process reactors).

(3) Non-permanent storage tanks, transfer racks, and equipment leak components used in special situation distribution loading and unloading operations (such as maintenance or upset liquids management).

(4) Storage tanks, transfer racks, and equipment leak components used to conduct maintenance activities, such as stormwater management, liquid removal from tanks for inspections and maintenance, or changeovers to a different liquid stored in a storage tank.

(d) An affected source is a new affected source if you commenced construction of the affected source after April 2, 2002, and you meet the applicability criteria in §63.2334 at the time you commenced operation.

(e) An affected source is reconstructed if you meet the criteria for reconstruction as defined in §63.2.

(f) An affected source is existing if it is not new or reconstructed.

§ 63.2342 When do I have to comply with this subpart?

(b)(1) If you have an existing affected source, you must comply with the emission limitations, operating limits, and work practice standards for existing affected sources no later than February 5, 2007, except as provided in paragraph (b)(2) of this section.

(d) You must meet the notification requirements in §63.2382(a) according to the schedules in §63.2382(a) and (b)(1) through (3) and in subpart A of this part. Some of these notifications must be submitted before the compliance dates for the emission limitations, operating limits, and work practice standards in this subpart.

Emission Limitations, Operating Limits, and Work Practice Standards

§ 63.2346 What emission limitations, operating limits, and work practice standards must I meet?

(d) *Transport vehicles.* For each transport vehicle equipped with vapor collection equipment, you must comply with paragraph (d)(1) of this section. For each transport vehicle without vapor collection equipment, you must comply with paragraph (d)(2) of this section.

> (1) Follow the steps in 40 CFR 60.502(e) to ensure that organic liquids are loaded only into vapor-tight transport vehicles and comply with the provisions in 40 CFR 60.502(f) through (i), except substitute the term "transport vehicle" at each occurrence of the term "tank truck" or "gasoline tank truck" in those paragraphs.
>
> (2) Ensure that organic liquids are loaded only into transport vehicles that have a current certification in accordance with the U.S. Department of Transportation (DOT) pressure test requirements in 49 CFR part 180 for cargo tanks or 49 CFR 173.31 for tank cars.

(h) Emission sources that are part of the affected source as specified in §63.2338, but which are not subject to the provisions of paragraphs (a) through (d) of this section, are only subject to the requirements specified in §63.2386(d).

(i) Opening of a safety device is allowed at any time that it is required to avoid unsafe operating conditions.

General Compliance Requirements

§ 63.2350 What are my general requirements for complying with this subpart?

(a) You must be in compliance with the emission limitations, operating limits, and work practice standards in this subpart at all times when the equipment identified in §63.2338(b)(1) through (4) is in OLD operation.

(b) You must always operate and maintain your affected source, including air pollution control and monitoring equipment, according to the provisions in §63.6(e)(1)(i).

(c) You must develop and implement a written startup, shutdown, and malfunction (SSM) plan according to the provisions in §63.6(e)(3).

Continuous Compliance Requirements

§ 63.2378 How do I demonstrate continuous compliance with the emission limitations, operating limits, and work practice standards?

(a) You must demonstrate continuous compliance with each emission limitation, operating limit, and work practice standard in Tables 2 through 4 to this subpart that applies to you according to the methods specified in subpart SS of this part and in Tables 8 through 10 to this subpart, as applicable.

(b) You must follow the requirements in §63.6(e)(1) and (3) during periods of startup, shutdown, malfunction, or nonoperation of the affected source or any part thereof. In addition, the provisions of paragraphs (b)(1) through (3) of this section apply.

(1) The emission limitations in this subpart apply at all times except during periods of nonoperation of the affected source (or specific portion thereof) resulting in cessation of the emissions to which this subpart applies. The emission limitations of this subpart apply during periods of SSM, except as provided in paragraphs (b)(2) and (3) of this section. During periods of SSM, the owner or operator must follow the applicable provisions of the SSM plan required by §63.2350(c). However, if a SSM, or period of nonoperation of one portion of the affected source does not affect the ability of a particular emission source to comply with the emission limitations to which it is subject, then that emission source is still required to comply with the applicable emission limitations of this subpart during the startup, shutdown, malfunction, or period of nonoperation.

(2) The owner or operator must not shut down control devices or monitoring systems that are required or utilized for achieving compliance with this subpart during periods of SSM while emissions are being routed to such items of equipment if the shutdown would contravene requirements of this subpart applicable to such items of equipment. This paragraph (b)(2) does not apply if the item of equipment is malfunctioning. This paragraph (b)(2) also does not apply if the owner or operator shuts down the compliance equipment (other than monitoring systems) to avoid damage due to a contemporaneous SSM of the affected source or portion thereof. If the owner or operator has reason to believe that monitoring equipment would be damaged due to a contemporaneous SSM of the affected source of portion thereof, the owner or operator must provide documentation supporting such a claim in the next Compliance report required in Table 11 to this subpart, item 1. Once approved by the Administrator, the provision for ceasing to collect, during a SSM, monitoring data that would otherwise be required by the provisions of this subpart must be incorporated into the SSM plan.

(3) During SSM, you must implement, to the extent reasonably available, measures to prevent or minimize excess emissions. For purposes of this paragraph (b)(3), the term "excess emissions" means emissions greater than those allowed by the emission limits that apply during normal operational periods. The measures to be taken must be identified in the SSM plan, and may include, but are not limited to, air pollution control technologies, recovery technologies, work practices, pollution prevention, monitoring, and/or changes in the manner of operation of the affected source. Back-up control devices are not required, but may be used if available.

Notifications, Reports, and Records

§ 63.2382 What notifications must I submit and when and what information should be submitted?

(a) You must submit each notification in subpart SS of this part, Table 12 to this subpart, and paragraphs (b) through (d) of this section that applies to you. You must submit these notifications according to the schedule in Table 12 to this subpart and as specified in paragraphs (b) through (d) of this section.

§ 63.2386 What reports must I submit and when and what information is to be submitted in each?

(a) You must submit each report in subpart SS of this part, Table 11 to this subpart, Table 12 to this subpart, and in paragraphs (c) through (e) of this section that applies to you.

(b) Unless the Administrator has approved a different schedule for submission of reports under §63.10(a), you must submit each report according to Table 11 to this subpart and by the dates shown in paragraphs (b)(1) through (3) of this section, by the dates shown in subpart SS of this part, and by the dates shown in Table 12 to this subpart, whichever are applicable.

(1) (i) The first Compliance report must cover the period beginning on the compliance date that is specified for your affected source in §63.2342 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your affected source in §63.2342.

(ii) The first Compliance report must be postmarked no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for your affected source in §63.2342.

(2) (i) Each subsequent Compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(ii) Each subsequent Compliance report must be postmarked no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(3) For each affected source that is subject to permitting regulations pursuant to 40 CFR part 70 or 40 CFR part 71, if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 71.6(a)(3)(iii)(A), you may submit the first and subsequent Compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (b)(1) through (4) of this section.

(c) *First Compliance report.* The first Compliance report must contain the information specified in paragraphs (c)(1) through (10) of this section.

(1) Company name and address.

(2) Statement by a responsible official, including the official's name, title, and signature, certifying that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.

(3) Date of report and beginning and ending dates of the reporting period.

(4) Any changes to the information listed in §63.2382(d)(1) that have occurred since the submittal of the Notification of Compliance Status.

(5) If you had a SSM during the reporting period and you took actions consistent with your SSM plan, the Compliance report must include the information described in §63.10(d)(5)(i).

(6) If there are no deviations from any emission limitation or operating limit that applies to you and there are no deviations from the requirements for work practice standards, a statement that there were no deviations from the emission limitations, operating limits, or work practice standards during the reporting period.

(7) If there were no periods during which the CMS was out of control as specified in §63.8(c)(7), a statement that there were no periods during which the CMS was out of control during the reporting period.

(8) For closed vent systems and control devices used to control emissions, the information specified in paragraphs (c)(8)(i) and (ii) of this section for those planned routine maintenance activities that would require the control device to not meet the applicable emission limit.

(i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next 6 months. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.

(ii) A description of the planned routine maintenance that was performed for the control device during the previous 6 months. This description must include the type of maintenance performed and the total number of hours during those 6 months that the control device did not meet the applicable emission limit due to planned routine maintenance.

(9) A listing of all emission sources that are part of the affected source but are not subject to any of the emission limitations, operating limits, or work practice standards of this subpart.

(10) A listing of all transport vehicles into which organic liquids were loaded at affected transfer racks during the previous 6 months for which vapor tightness documentation as required in §63.2390(d) was not on file at the facility.

(d) *Subsequent Compliance reports.* Subsequent Compliance reports must contain the information in paragraphs (c)(1) through (10) of this section and, where applicable, the information in paragraphs (d)(1) through (3) of this section.

(1) For each deviation from an emission limitation occurring at an affected source where you are using a CMS to comply with an emission limitation in this subpart, you must include in the Compliance report the applicable information in paragraphs (d)(1)(i) through (xii) of this section. This includes periods of SSM.

(i) The date and time that each malfunction started and stopped.

(ii) The dates and times that each CMS was inoperative, except for zero (low-level) and high-level checks.

(iii) For each CMS that was out of control, the information in §63.8(c)(8).

(iv) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of SSM, or during another period.

(v) A summary of the total duration of the deviations during the reporting period, and the total duration as a percentage of the total emission source operating time during that reporting period.

(vi) A breakdown of the total duration of the deviations during the reporting period into those that are due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes.

(vii) A summary of the total duration of CMS downtime during the reporting period, and the total duration of CMS downtime as a percentage of the total emission source operating time during that reporting period.

(viii) An identification of each organic HAP that was potentially emitted during each deviation based on the known organic HAP contained in the liquid(s).

(ix) A brief description of the emission source(s) at which the CMS deviation(s) occurred.

(x) A brief description of each CMS that was out of control during the period.

(xi) The date of the latest certification or audit for each CMS.

(xii) A brief description of any changes in CMS, processes, or controls since the last reporting period.

(2) Include in the Compliance report the information in paragraphs (d)(2)(i) through (iii) of this section, as applicable.

(i) For each storage tank and transfer rack subject to control requirements, include periods of planned routine maintenance during which the control device did not comply with the applicable emission limits in Table 2 to this subpart.

(ii) For each storage tank controlled with a floating roof, include a copy of the inspection record (required in §63.1065(b)) when inspection failures occur.

(iii) If you elect to use an extension for a floating roof inspection in accordance with §63.1063(c)(2)(iv)(B) or (e)(2), include the documentation required by those paragraphs.

(3) Include in the Compliance report each new operating scenario which has occurred since the time period covered by the last Compliance report. For each new operating scenario, you must provide verification that the established operating conditions for any associated control device have not been exceeded and that any required calculations and engineering analyses have been performed.

(e) Each affected source that has obtained a title V operating permit pursuant to 40 CFR part 70 or 40 CFR part 71 must report all deviations as defined in this subpart in the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 71.6(a)(3)(iii)(A). If an affected source submits a Compliance report pursuant to Table 11 to this subpart along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 71.6(a)(3)(iii)(A), and the Compliance report includes all required information concerning deviations from any emission limitation in this subpart, we will consider submission of the Compliance report as satisfying any obligation to report the same deviations in the semiannual monitoring report. However, submission of a Compliance report will not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the applicable title V permitting authority.

§ 63.2390 What records must I keep?

(a) You must keep all records identified in subpart SS of this part and in Table 12 to this subpart that are applicable, including records related to notifications and reports, SSM, performance tests, CMS, and performance evaluation plans.

(c) For each transport vehicle into which organic liquids are loaded at an affected transfer rack, you must keep the applicable records in paragraphs (c)(1) and (2) of this section.

§ 63.2394 In what form and how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious inspection and review according to §63.10(b)(1). In addition, on-site records may be stored in electronic form at a separate location from the site provided they can be accessed and printed at the site within 1 hour after a request by the applicable title V permitting authority.

(b) As specified in §63.10(b)(1), you must keep your files of all information (including all reports and notifications) for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1). You may keep the records off site for the remaining 3 years.

Other Requirements and Information

§ 63.2398 What parts of the General Provisions apply to me?

Table 12 to this subpart shows which parts of the General Provisions in §§63.1 through 63.15 apply to you.

§ 63.2406 What definitions apply to this subpart?

Terms used in this subpart are defined in the CAA, in §63.2, and in this section. If the same term is defined in another subpart and in this section, it will have the meaning given in this section for purposes of this subpart.

Actual annual average temperature, for organic liquids, means the temperature determined using the following methods:

(1) For heated or cooled storage tanks, use the calculated annual average temperature of the stored organic liquid as determined from a design analysis of the storage tank.

(2) For ambient temperature storage tanks:

(i) Use the annual average of the local (nearest) normal daily mean temperatures reported by the National Climatic Data Center; or

(ii) Use any other method that the EPA approves.

Annual average true vapor pressure means the equilibrium partial pressure exerted by the total organic HAP in the stored or transferred organic liquid. For the purpose of determining if a liquid meets the definition of an organic liquid, the vapor pressure is determined using standard conditions of 77 degrees F and 29.92 inches of mercury. For the purpose of determining whether an organic liquid meets the applicability criteria in Table 2, items 1 through 6, to this subpart, use the actual annual average temperature as defined in this subpart. The vapor pressure value in either of these cases is determined:

(1) In accordance with methods described in American Petroleum Institute Publication 2517, Evaporative Loss from External Floating-Roof Tanks (incorporated by reference, see §63.14);

(2) Using standard reference texts;

(3) By the American Society for Testing and Materials Method D2879–83, 96 (incorporated by reference, see §63.14); or

(4) Using any other method that the EPA approves.

Cargo tank means a liquid-carrying tank permanently attached and forming an integral part of a motor vehicle or truck trailer. This term also refers to the entire cargo tank motor vehicle or trailer. For the purpose of this subpart, vacuum trucks used exclusively for maintenance or spill response are not considered cargo tanks.

Closed vent system means a system that is not open to the atmosphere and is composed of piping, ductwork, connections, and, if necessary, flow-inducing devices that transport gas or vapors from an emission point to a control device. This system does not include the vapor collection system that is part of some transport vehicles or the loading arm or hose that is used for vapor return. For transfer racks, the closed vent system begins at, and includes, the first block valve on the downstream side of the loading arm or hose used to convey displaced vapors.

Combustion device means an individual unit of equipment, such as a flare, oxidizer, catalytic oxidizer, process heater, or boiler, used for the combustion of organic emissions.

Container means a portable unit in which a material can be stored, transported, treated, disposed of, or otherwise handled. Examples of containers include, but are not limited to, drums and portable cargo containers known as "portable tanks" or "totes."

Control device means any combustion device, recovery device, recapture device, or any combination of these devices used to comply with this subpart. Such equipment or devices include, but are not limited to, absorbers, adsorbers, condensers, and combustion devices. Primary condensers, steam strippers, and fuel gas systems are not considered control devices.

Crude oil means any of the naturally occurring liquids commonly referred to as crude oil, regardless of specific physical properties. Only those crude oils downstream of the first point of custody transfer after the production field are considered crude oils in this subpart.

Custody transfer means the transfer of hydrocarbon liquids after processing and/or treatment in the producing operations, or from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

Design evaluation means a procedure for evaluating control devices that complies with the requirements in §63.985(b)(1)(i).

Deviation means any instance in which an affected source subject to this subpart, or portion thereof, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limitation (including any operating limit) or work practice standard;

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart, and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limitation (including any operating limit) or work practice standard in this subpart during SSM.

Emission limitation means an emission limit, opacity limit, operating limit, or visible emission limit.

Equipment leak component means each pump, valve, and sampling connection system used in organic liquids service at an OLD operation. Valve types include control, globe, gate, plug, and ball. Relief and check valves are excluded.

Gasoline means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (4.0 pounds per square inch absolute (psia)) or greater which is used as a fuel for internal combustion engines. Aviation gasoline is included in this definition.

In organic liquids service means that an equipment leak component contains or contacts organic liquids having 5 percent by weight or greater of the organic HAP listed in Table 1 to this subpart.

On-site or *on site* means, with respect to records required to be maintained by this subpart or required by another subpart referenced by this subpart, that records are stored at a location within a major source which encompasses the affected source. On-

site includes, but is not limited to, storage at the affected source to which the records pertain, storage in central files elsewhere at the major source, or electronically available at the site.

Organic liquid means:

(1) Any non-crude oil liquid or liquid mixture that contains 5 percent by weight or greater of the organic HAP listed in Table 1 to this subpart, as determined using the procedures specified in §63.2354(c).

(2) Any crude oils downstream of the first point of custody transfer.

(3) Organic liquids for purposes of this subpart do not include the following liquids:

(i) Gasoline (including aviation gasoline), kerosene (No. 1 distillate oil), diesel (No. 2 distillate oil), asphalt, and heavier distillate oils and fuel oils;

(ii) Any fuel consumed or dispensed on the plant site directly to users (such as fuels for fleet refueling or for refueling marine vessels that support the operation of the plant);

(iii) Hazardous waste;

(iv) Wastewater;

(v) Ballast water: or

(vi) Any non-crude oil liquid with an annual average true vapor pressure less than 0.7 kilopascals (0.1 psia).

Organic liquids distribution (OLD) operation means the combination of activities and equipment used to store or transfer organic liquids into, out of, or within a plant site regardless of the specific activity being performed. Activities include, but are not limited to, storage, transfer, blending, compounding, and packaging.

Permitting authority means one of the following:

(1) The State Air Pollution Control Agency, local agency, or other agency authorized by the EPA Administrator to carry out a permit program under 40 CFR part 70; or

(2) The EPA Administrator, in the case of EPA-implemented permit programs under title V of the CAA (42 U.S.C. 7661) and 40 CFR part 71.

Plant site means all contiguous or adjoining surface property that is under common control, including surface properties that are separated only by a road or other public right-of-way. Common control includes surface properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, or any combination.

Research and development facility means laboratory and pilot plant operations whose primary purpose is to conduct research and development into new processes and products, where the operations are under the close supervision of technically trained personnel, and which are not engaged in the manufacture of products for commercial sale, except in a *de minimis* manner.

Responsible official means responsible official as defined in 40 CFR 70.2 and 40 CFR 71.2, as applicable.

Safety device means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device that functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event.

Shutdown means the cessation of operation of an OLD affected source, or portion thereof, required or used to comply with this subpart, or the emptying and degassing of a storage tank. Shutdown as defined here includes, but is not limited to, events that result from periodic maintenance, replacement of equipment, or repair.

Startup means the setting in operation of an OLD affected source, or portion thereof, for any purpose. Startup also includes the placing in operation of any individual piece of equipment required or used to comply with this subpart including, but not limited to, control devices and monitors.

Storage tank means a stationary unit that is constructed primarily of nonearthen materials (such as wood, concrete, steel, or reinforced plastic) that provide structural support and is designed to hold a bulk quantity of liquid. Storage tanks do not include:

(1) Units permanently attached to conveyances such as trucks, trailers, rail cars, barges, or ships;

(2) Pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere;

(3) Bottoms receiver tanks;

(4) Surge control vessels;

(5) Vessels storing wastewater; or

(6) Reactor vessels associated with a manufacturing process unit.

Tank car means a car designed to carry liquid freight by rail, and including a permanently attached tank.

Transfer rack means a single system used to load organic liquids into transport vehicles. It includes all loading arms, pumps, meters, shutoff valves, relief valves, and other piping and equipment necessary for the transfer operation. Transfer equipment and operations that are physically separate (*i.e.*, do not share common piping, valves, and other equipment) are considered to be separate transfer racks.

Transport vehicle means a cargo tank or tank car.

Vapor balancing system means a piping system that collects organic HAP vapors displaced from transport vehicles during loading and routes the collected vapors to the storage tank from which the liquid being loaded originated or compresses the vapors for feeding into a chemical manufacturing process unit.

Vapor collection system means any equipment located at the source (*i.e.*, at the OLD operation) that is not open to the atmosphere; that is composed of piping, connections, and, if necessary, flow-inducing devices; and that is used for containing and conveying vapors displaced during the loading of transport vehicles to a control device or for vapor balancing. This does not include any of the vapor collection equipment that is installed on the transport vehicle.

Vapor-tight transport vehicle means a transport vehicle that has been demonstrated to be vapor-tight. To be considered vapor-tight, a transport vehicle equipped with vapor collection equipment must undergo a pressure change of no more than 250 pascals (1 inch of water) within 5 minutes after it is pressurized to 4,500 pascals (18 inches of water). This capability must be demonstrated annually using the procedures specified in EPA Method 27 of 40 CFR part 60, appendix A. For all other transport vehicles, vapor tightness is demonstrated by performing the U.S. DOT pressure test procedures for tank cars and cargo tanks.

Work practice standard means any design, equipment, work practice, or operational standard, or combination thereof, that is promulgated pursuant to section 112(h) of the CAA.

ATTACHMENT F

Subpart ZZZZ— National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

(Applicable Requirements)

§ 63.6585 Am I subject to this subpart?

You are subject to this subpart if you own or operate a stationary RICE at a major or area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand.

(a) A stationary RICE is any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE differ from mobile RICE in that a stationary RICE is not a non-road engine as defined at 40 CFR 1068.30, and is not used to propel a motor vehicle or a vehicle used solely for competition.

(b) A major source of HAP emissions is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons (9.07 megagrams) or more per year or any combination of HAP at a rate of 25 tons (22.68 megagrams) or more per year, except that for oil and gas production facilities, a major source of HAP emissions is determined for each surface site.

(c) An area source of HAP emissions is a source that is not a major source.

(d) If you are an owner or operator of an area source subject to this subpart, your status as an entity subject to a standard or other requirements under this subpart does not subject you to the obligation to obtain a permit under 40 CFR part 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart as applicable.

(e) If you are an owner or operator of a stationary RICE used for national security purposes, you may be eligible to request an exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C.

§ 63.6590 What parts of my plant does this subpart cover?

This subpart applies to each affected source.

(a) *Affected source.* An affected source is any existing, new, or reconstructed stationary RICE located at a major or area source of HAP emissions, excluding stationary RICE being tested at a stationary RICE test cell/stand.

(1) *Existing stationary RICE.*

(ii) For stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before June 12, 2006.

§ 63.6595 When do I have to comply with this subpart?

(a) *Affected Sources.* (1) If you have an existing stationary RICE, excluding existing non-emergency CI stationary RICE, with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the applicable emission limitations and operating limitations no later than June 15, 2007. If you have an existing non-emergency CI stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, an existing stationary CI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, or an existing stationary CI RICE located at an area source of HAP emissions, you must comply with the applicable emission limitations and operating limitations no later than May 3, 2013.

§ 63.6602 What emission limitations must I meet if I own or operate an existing stationary CI RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions?

If you own or operate an existing stationary CI RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 2c to this subpart which apply to you. Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in §63.6620 and Table 4 to this subpart.

§ 63.6605 What are my general requirements for complying with this subpart?

(a) You must be in compliance with the emission limitations and operating limitations in this subpart that apply to you at all times.

(b) At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

§ 63.6625 What are my monitoring, installation, collection, operation, and maintenance requirements?

(e) If you own or operate an existing stationary RICE with a site rating of less than 100 brake HP located at a major source of HAP emissions, an existing stationary emergency RICE, or an existing stationary RICE located at an area source of HAP emissions not subject to any numerical emission standards shown in Table 2d to this subpart, you must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

(f) If you own or operate an existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing emergency stationary RICE located at an area source of HAP emissions, you must install a non-resettable hour meter if one is not already installed.

(h) If you operate a new or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply.

(i) If you own or operate a stationary engine that is subject to the work, operation or management practices in items 1, 2, or 4 of Table 2c to this subpart or in items 1 or 4 of Table 2d to this subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2c or 2d to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil before continuing to use the engine. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

§ 63.6640 How do I demonstrate continuous compliance with the emission limitations and operating limitations?

(e) You must also report each instance in which you did not meet the requirements in Table 8 to this subpart that apply to you. If you own or operate a new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions (except new or reconstructed 4SLB engines greater than or equal to 250 and less than or equal to 500 brake HP), a new or reconstructed stationary RICE located at an area source of HAP emissions, or any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this subpart: An existing 2SLB stationary RICE, an existing 4SLB stationary RICE, an existing emergency stationary RICE, an existing limited use stationary RICE, or an existing stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis. If you own or operate any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this subpart, except for the initial notification requirements: a new or reconstructed stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, a new or reconstructed emergency stationary RICE, or a new or reconstructed limited use stationary RICE.

(f) If you own or operate an existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, a new emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that was installed on or after June 12, 2006, or an existing emergency stationary RICE located at an area source of HAP emissions, you must operate the engine according to the conditions described in paragraphs (f)(1) through (4) of this section.

1) For owners and operators of emergency engines, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as permitted in this section, is prohibited.

(2) There is no time limit on the use of emergency stationary RICE in emergency situations.

(3) You may operate your emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency RICE beyond 100 hours per year.

(4) You may operate your emergency stationary RICE up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity; except that owners and operators may operate the emergency engine for a maximum of 15 hours per year as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level. The engine may not be operated for more than 30 minutes prior to the time when the emergency condition is expected to occur, and the engine operation must be terminated immediately after the facility is notified that the emergency condition is no longer imminent. The 15 hours per year of demand response operation are counted as part of the 50 hours of operation per year provided for non-emergency situations. The supply of emergency power to another entity or entities pursuant to financial arrangement is not limited by this paragraph (f)(4), as long as the power provided by the financial arrangement is limited to emergency power.

§ 63.6650 What reports must I submit and when?

(f) Each affected source that has obtained a title V operating permit pursuant to 40 CFR part 70 or 71 must report all deviations as defined in this subpart in the semiannual monitoring report required by 40 CFR 70.6 (a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If an affected source submits a Compliance report pursuant to Table 7 of this subpart along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the Compliance report includes all required information concerning deviations from any emission or operating limitation in this subpart, submission of the Compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a Compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority.

§ 63.6655 What records must I keep?

(e) You must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan if you own or operate any of the following stationary RICE;

(2) An existing stationary emergency CI RICE.

(f) If you own or operate any of the stationary RICE in paragraphs (f)(1) or (2) of this section, you must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engines are used for demand response operation, the owner or operator must keep records of the notification of the emergency situation, and the time the engine was operated as part of demand response.

(1) An existing emergency stationary CI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions that does not meet the standards applicable to non-emergency engines.

§ 63.6660 In what form and how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review according to §63.10(b)(1).

(b) As specified in §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1).

§ 63.6665 What parts of the General Provisions apply to me?

Table 8 to this subpart shows which parts of the General Provisions in §§63.1 through 63.15 apply to you. If you own or operate a new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions (except new or reconstructed 4SLB engines greater than or equal to 250 and less than or equal to 500 brake HP), a new or reconstructed stationary RICE located at an area source of HAP emissions, or any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with any of the requirements of the General Provisions specified in Table 8: An existing 2SLB stationary RICE, an existing 4SLB stationary RICE, an existing stationary RICE that combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, an existing emergency stationary RICE, or an existing limited use stationary RICE. If you own or operate any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP

emissions, you do not need to comply with the requirements in the General Provisions specified in Table 8 except for the initial notification requirements: A new stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, a new emergency stationary RICE, or a new limited use stationary RICE.

Table 2c to Subpart ZZZZ of Part 63—Requirements for Existing Compression Ignition Stationary Rice Located at Major Sources of HAP Emissions

As stated in §§63.6600 and 63.6640, you must comply with the following requirements for existing compression ignition stationary RICE:

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
1. Emergency CI and black start CI.[1]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[2] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.[3]	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[3]

[1]If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements on the schedule required in Table 2c of this subpart, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under Federal, State, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under Federal, State, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, State, or local law has abated. Sources must report any failure to perform the work practice on the schedule required and the Federal, State or local law under which the risk was deemed unacceptable.

[2]Sources have the option to utilize an oil analysis program as described in §63.6625(i) in order to extend the specified oil change requirement in Table 2c of this subpart.

[3]Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.